

Toronto

December 17, 2019

Chris Barnett
Direct Dial: 416.862.6651
cbarnett@osler.com

Montréal

Calgary

SENT BY ELECTRONIC MAIL

Ottawa

Mayor John Tory
Members of City Council
City Hall, 2nd Floor
100 Queen St. W.
Toronto, ON M5H 2N2

Vancouver

New York

Dear Sirs/Mesdames:

**2535-2537 Bayview Avenue - Application for Zoning By-Law Amendment
North York Community Council Item NY11.4**

We are counsel to the Kingsmen Group with respect to the above referenced matter which is on the Council agenda of December 17, 2019.

The application was subject to a statutory public meeting at North York Community Council on December 3, 2019 and a motion was put forward by Councillor Colle on behalf of the local councillor who was not present at the meeting.

The motion directed amendments to the staff recommendations and the zoning bylaws now before you for consideration.

The staff recommendations for approval of the proposed development was based on a process that unfolded for nearly two years, including numerous meetings with staff and our client and their team of advisors, and concluded:

“The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), the Toronto Official Plan and the Bayview Townhouse Guidelines. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2019). Furthermore, the proposal conforms to the Toronto Official Plan and meets the intent of the Bayview Townhouse Guidelines. The proposal represents an appropriate level of intensification through infill development on a major street on lands that are designated Neighbourhoods. The proposed development is of a built form and character that fits within the existing and planned context of the area. Staff recommend that Council support approval of the application.”

There is and was no policy or planning basis for the amendments to the staff recommendations to approve this development application.

As pointed out by one of the Councillors during the discussion following the statutory meeting the proposed change to the recommendations was not supported by any material presented by city staff at the meeting.

It is our client's position that this application should be approved as recommended by City staff. Our client worked closely and cooperatively with City staff, and the message delivered by the motion of Community Council is one which diminishes the effort of our client and your staff in reaching a common well founded conclusion.

If approved by Council as put forward this will leave my client with no other option but to pursue an appeal to the Local Planning Appeal Tribunal ("LPAT"), at significant cost and delay. The City will need to expend resources for any hearing before the LPAT as there is no support from staff on the position resulting from the motion. This is an unnecessary and inappropriate use of public resources and taxpayer funds.

We respectfully ask Council to do support the outcome of the iterative planning process followed by our client, which is reflected in the advice and recommendation of City staff.

Yours very truly,



Chris Barnett

CB:so