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File No.: 136574.1001

By E-mail
councilmeeting@toronto.ca

City Council
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft, Manager, City Clerk's
Office, Secretariat

Dear Sirs/Mesdames:

**Re: PH27.2 – Zoning Conformity for Official Plan Employment Areas - Phase 1 Final
Report and Phase 2 Update
Letter of Concern**

We are counsel to 39 Wynford Inc., the owner of the property municipally known in the City of Toronto as 39 Wynford Drive (the “**Property**”).

We are writing to express our client’s serious concerns regarding City staff’s proposed amendments to various zoning by-laws, including City of Toronto Zoning By-law No. 569-2013 and Former City of North York Zoning By-law No. 7625 (the “**Proposed Zoning Amendments**”) which, according to staff, are intended to bring the City’s zoning by-laws into conformity with the Official Plan, as amended by Official Plan Amendment No. 231 (“**OPA 231**”).

By this letter, we hereby request that City Council direct that staff revise the Proposed Zoning Amendments to exclude the Property from the Proposed Zoning Amendments.

In the alternative, we request that City Council defer consideration of the Proposed Zoning Amendments to allow staff an opportunity to discuss with our client and consultant team and to make the necessary revisions to the Proposed Zoning Amendments.

As drafted, the Proposed Zoning Amendments inappropriately downzone the Property, stripping away a wide range of existing land use permissions (including adult education school, college, commercial gallery, community centre, day nursery, fitness centre, hotel, museum, place of worship, public library, theatre and university uses) even though the policies of OPA 231 do not presently apply to the Property.

As it relates to the Property, our client maintains an ongoing site-specific appeal of OPA 231 before the Ontario Land Tribunal (the “**Tribunal**”), which is proceeding under OLT Case No. PL140860 as Appeal No. 38 (the “**Appeal**”). The Appeal has yet to be scheduled for a hearing before the Tribunal, and while the Appeal is maintained, the policies of OPA 231 do not apply to the Property.

Downzoning the Property through the Proposed Zoning Amendments, in advance of the hearing of the Appeal, goes beyond staff’s stated intent of bringing zoning into conformity with OPA 231.

While we previously expressed our concerns to the Planning & Housing Committee by letter dated June 25, 2021, Planning staff have not reached out to discuss these concerns.

Instead, staff and the Committee continue to recommend that Council pass the Proposed Zoning Amendments, which, as drafted, will result in the inappropriate downzoning of various lands including the Property, to the prejudice of landowners with legitimate appeals of OPA 231 that are still awaiting adjudication by the Tribunal.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which this matter will be considered, and we ask to be provided with notice of Council's decision with respect to this item.

Yours truly,



Patrick G. Duffy

PGD/jsc

cc. Jonathan S. Cheng, *Stikeman Elliott LLP*
Mike Dror, *Bousfields Inc.*
Client