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February 14, 2022

Private and Confidential

Property Standards Committee, Toronto and
East York Panel
City Clerk's Office, Toronto City Hall
100 Queen Street West, 2nd Floor, West Tower
Toronto, Ontario
M5H 2N2

Attention: Property Standards Committee
psc@toronto.ca

Tara Piurko
Direct Line: 416.595.2647
tpiurko@millerthomson.com

File: 0259907.0001

Dear Sirs/Mesdames:

**Re: Request for Adjournment of Hearing
Appeal Regarding Folder Number 21 2455429 PRS 00 IV
Roll Number 1914 081 040 02400 0000**

We are legal counsel to Mr. Michael Simone and Ms. Salima Rawji, the **Registered Owners** of the property municipally known as 69 Riverview Gardens (the "**Riverview Property**").

On December 22, 2021, we filed a Notice of Appeal in respect of an Order to Comply (the "**Notice of Appeal**"). On February 1, 2022, we received a notice from the Property Standards Committee confirming receipt of the Notice of Appeal and scheduling a hearing on **Monday, February 28, 2022** (the "**Hearing Date**").

We respectfully request that the Hearing Date be adjourned and rescheduled for June 2022 or as soon as possible thereafter, on account for the following limitations.

City of Toronto Archives

Firstly, in preparation for the Notice of Appeal, we conducted due diligence on the Riverview Property. Through our research, we located the 1931 plan of subdivision pertaining to the Riverview Property ("**1931 Plan**"), see attached hereto as Schedule "A". We determined that archival documents, and related documents, may contain information regarding the history, ownership and responsibility of the retaining wall that is the subject of the Notice of Appeal.

We have been unable to conduct an archival review of any of the documents related to the 1931 Plan via the City's online system due to the date of the documents.

Upon identifying this information and filing the Notice of Appeal, we immediately contacted the City of Toronto Archives ("**Toronto Archives**") on December 22, 2021 to schedule an appointment to review the archives with respect to the 1931 Plan. The earliest appointment we could secure was February 8, 2022 from 1:00pm-4:00pm ("**Archives Appointment**").

The Toronto Archives was booking appointments approximately one and a half months in advance. See correspondence with the Toronto Archives attached hereto as Schedule “B”.

Unfortunately, on January 24, 2022, we were informed that the Toronto Archives were closed due to the public health situation and all appointments had been cancelled until further notice. The Toronto Archives could not provide a date for reopening or rescheduling. We followed up with the Toronto Archives on February 3, 2022 for an update on the timing for rescheduling the Archives Appointment, however, there was no further information available. See notice of cancellation from the Toronto attached hereto as Schedule “C”.

As at February 14, 2022, the Toronto Archives remains closed, as updated by the City of Toronto’s website: *COVID-19: Changes to City Services*, available here: <https://www.toronto.ca/home/covid-19/affected-city-services/>. Due to the uncertainty of the reopening of the Toronto Archives, and given that appointments were scheduled one and half months in advance, we are unlikely to gain access to the Toronto Archives before Hearing Date.

Furthermore, we require time to, among other things, review the archival documents, evaluate our position, determine next steps in regards to the appeal, and prepare our materials for the appeal. We cannot undertake any of these steps until we gain access to the Toronto Archives. In this regard, we will not be able to fulsomely advance our position and provide the Property Standards Committee with full information on the currently scheduled Hearing Date.

Riverview Property – Field Work – Time of Year & Snow Conditions

Secondly, as stated in the Notice of Appeal, the Registered Owners intend to have experts and/or consultants attend the Riverview Property to inspect the retaining wall. We have not been able to move forward with any of these steps due to the recent episodes of heavy snowfall in City of Toronto. The retaining wall remains concealed by snow and is not accessible, and as such, the intended field work cannot be completed at this time, nor can we determine for certainty when it can be scheduled and completed prior to the summer months.

Request for Adjournment

In light of, among other things, the cancellation of our Archives Appointment, the uncertainty of the when the Toronto Archives services will resume and a new appointment secured, and the weather conditions impacting the ability of the Registered Owners to obtain a topographical survey of the Riverview Property and the retaining wall, we respectfully request an adjournment of the Hearing Date.

We respectfully request that a new hearing date be scheduled in June 2022, or as soon as possible thereafter. The proposed timing addresses the uncertainty of when the Toronto Archives will reopen and when a new Toronto Archives appointment can be scheduled. The proposed timing will also provide the Registered Owners with enough time to access the archival documents, obtain a topographical survey of the Riverview Property, evaluate their position, and allow for discussion with the City staff.



If you have any questions or require further information to address the Registered Owners' request for an adjournment, please do not hesitate to contact the undersigned or, in her absence, Ms. Sabrina Lau at 905.532.6629 or slau@millerthomson.com.

Yours truly,

MILLER THOMSON LLP

Per:



Tara Furko

TP/tp

Enclosures

- c. Sabrina Lau, Miller Thomson LLP
- cc. Christopher Ellis, christopher.ellis@toronto.ca



SCHEDULE "A"

2714

PLAN OF SUBDIVISION OF PARTS OF REG^d PLANS 2011, 2293, 2315 AND 2705 (YORK) TP OF YORK

Scale: 1" = 60ft.

OWNERS CERTIFICATE
LOTS 1 to 44 and BLOCK M shown hereon coloured pink, 18' Reser- coloured Green and Riverview Gardens coloured Brown are laid out in accordance with our instructions. Said Riverview Gardens is hereby dedicated for the purpose of Public Highway.

WITNESS
Herbert Stern
OWNERS
Herbert Stern

Herbert Stern

THIS PLAN WAS FILED IN THE REGISTRY OFFICE FOR THE COUNTY OF YORK ON THE 24 DAY OF May A.D. 1931 A. 10.30

County of York To wit:

Herbert Stern of the City of Toronto
1. That I was personally present and did see this plan and a duplicate duly signed by R. H. Stern, Clerk of the County of York, on the 24 day of May 1931.
2. That the said plan and duplicate were signed by the said party at 10.30 A.M.
3. That I know the said party.
4. That I am a subscribing witness to the said signing.
Sworn before me at Toronto this 22 day of May 1931
W. H. Johnston
Deputy Registrar

Herbert Stern

THE CORPORATION OF THE CITY OF TORONTO
under authority of Report No. 10 of the Committee on Works, adopted in Council, on the 20th day of September 1931
herby approves of this Plan.

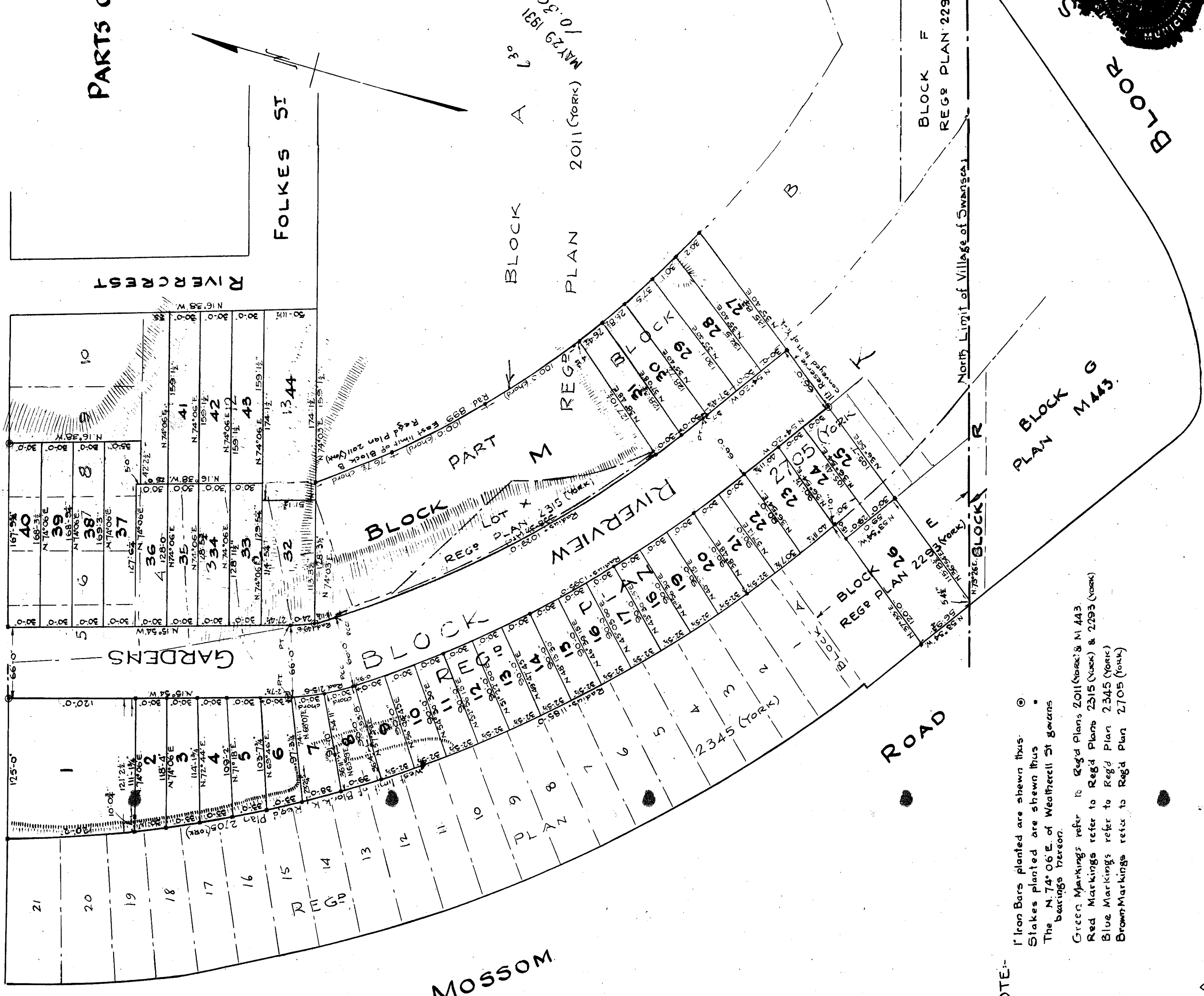
Dated this 27th day of May 1931
John H. Jones
City Clerk
Deputy City Clerk
John H. Jones

SURVEYORS CERTIFICATE
We hereby certify that this plan accurately shows the manner in which the land included herein has been surveyed and subdivided by us and that the said plan and duplicate were signed by the said party at 10.30 A.M. on the 24th day of May 1931.
We certify that this plan is a duplicate copy of a plan being a subdivision of Parts of Reg'd Plans 2011, 2293, 2315 & 2705 (York), prepared by us on the 21st day of April A.D. 1931
Spuy Mearns
O. L. Surveyors
Toronto
Date: 21st April 1931

FIELD NOTES
We hereby certify that this plan represents a true copy of the field notes taken in connection with the survey thereof.
Spuy Mearns
O. L. Surveyors
Toronto
Date: 21st April 1931

Certified Approved by Resolution No. 26220 of the Council of the Corporation of the Township of York, passed on the 26 day of May 1931
John H. Jones
City Clerk

We certify that this plan is a duplicate copy of a plan being a subdivision of Parts of Reg'd Plans 2011, 2293, 2315 & 2705 (York), prepared by us on the 21st day of April A.D. 1931
Spuy Mearns
O. L. Surveyors
Toronto
Date: 21st April 1931



NOTE:-
Iron Bars planted are shown thus: (circle with dot)
Slakes planted are shown thus: (circle with cross)
The N. 74° 06' E. of Weatherell St bears bearings thereon.
Green Markings refer to Reg'd Plans 2011 (Nos. 1 & 2), 2315 (Nos. 1 & 2) & 2293 (Nos. 1 & 2).
Red Markings refer to Reg'd Plans 2315 (Nos. 3 & 4) & 2293 (Nos. 3 & 4).
Blue Markings refer to Reg'd Plan 2345 (Nos. 1 & 2).
Brown Markings refer to Reg'd Plan 2705 (Nos. 1 & 2).

2714

SCHEDULE "B"

From: ArchivesBooking <archivesbooking@toronto.ca>
Sent: Thursday, December 23, 2021 1:19 PM
To: Lau, Sabrina
Subject: RE: Booking Appointment

Hello Sabrina,

Thank you for completing a Records Request Form.

Your appointment is confirmed for:

February 8th – 1 to 4pm

If we have any questions about your request, we will contact you. If you need to cancel, please provide at least seven days' notice. You will receive a reminder two days before your appointment.

[Directions can be found on our website](#) – 255 Spadina Road

Many thanks

Paul

Paul Sharkey

Reference & Digital Engagement Archivist
City of Toronto Archives
255 Spadina Road
Toronto, ON M5R 2V3

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From: Lau, Sabrina [mailto:slau@millerthomson.com]
Sent: December 23, 2021 12:42 PM
To: ArchivesBooking <archivesbooking@toronto.ca>
Subject: RE: Booking Appointment

Thanks Paul,

My preferences are:

1. February 8th, 1-4
2. February 10th 9-12
3. February 15th 9-12

SABRINA LAU
Articling Student

Miller Thomson LLP

100 New Park Place, Suite 700

Vaughan, Ontario L4K 0H9

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Fax: +1 905.660.0139

Email: slau@millerthomson.com

millerthomson.com



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From: ArchivesBooking <archivesbooking@toronto.ca>

Sent: Thursday, December 23, 2021 12:40 PM

To: Lau, Sabrina <slau@millerthomson.com>

Subject: RE: Booking Appointment

Hello Sabrina,

Thanks for completing a Records Request Form.

The next available slots are:

February 8th – 1 to 4pm

February 10th – 9am to 12noon

Any subsequent Tuesday or Thursday in February – 9am to 12noon or 1 to 4pm.

Please provide your three preferences.

Thanks

Paul

Paul Sharkey

Reference & Digital Engagement Archivist

City of Toronto Archives

255 Spadina Road

Toronto, ON M5R 2V3

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From: Lau, Sabrina [<mailto:slau@millerthomson.com>]
Sent: December 23, 2021 9:07 AM
To: ArchivesBooking <archivesbooking@toronto.ca>
Subject: RE: Booking Appointment

Thanks for clarifying.

I have reattached an updated request list. Let me know if this is better. My apologies, first time using the program.

Sabrina

SABRINA LAU
Articling Student

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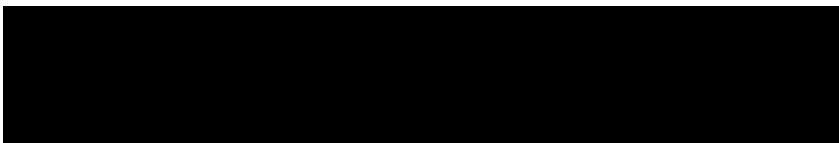
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From: ArchivesBooking <archivesbooking@toronto.ca>
Sent: Thursday, December 23, 2021 8:58 AM
To: Lau, Sabrina <slau@millerthomson.com>
Subject: RE: Booking Appointment

Hello Sabina,

Thank you for completing a Records Request Form, however it needs some refining before we can confirm an appointment.

You have ordered the entire series of the following:



Please stipulate the files you wish to access.

Many thanks

Paul

Paul Sharkey

Reference & Digital Engagement Archivist
City of Toronto Archives
255 Spadina Road
Toronto, ON M5R 2V3

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From: Lau, Sabrina [<mailto:slau@millertomson.com>]
Sent: December 22, 2021 4:20 PM
To: ArchivesBooking <archivesbooking@toronto.ca>
Subject: RE: Booking Appointment

Thanks Paul, please see attached.

Sabrina

SABRINA LAU
Articling Student

Miller Thomson LLP
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Vaughan, Ontario L4K 0H9
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Fax: +1 905.660.0139
Email: slau@millertomson.com
millertomson.com



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From: ArchivesBooking <archivesbooking@toronto.ca>
Sent: Wednesday, December 22, 2021 4:19 PM
To: Lau, Sabrina <slau@millertomson.com>
Subject: RE: Booking Appointment

Hello Sabrina,

Thank you for your request for an appointment at the City of Toronto Archives.

Before we can process your request, we require a list of the Records you wish to order.

Any orders for documents must be made using a Records Request Form through our online database. Instructions on [using the database](#) are available online. [Instructions on ordering materials](#) are also available. Archives staff do require citations and box numbers of the records you wish to see.

Once you provide us with a pdf version of the completed Records Request Form or more details of your subject area we can book your appointment.

Many thanks

Paul

Paul Sharkey

Reference & Digital Engagement Archivist
City of Toronto Archives
255 Spadina Road
Toronto, ON M5R 2V3

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From: Lau, Sabrina [<mailto:slau@millerthomson.com>]
Sent: December 22, 2021 11:33 AM
To: ArchivesBooking <archivesbooking@toronto.ca>
Subject: Booking Appointment

Good morning,

Can I please book an appointment for your earliest availability for 1 three-hour slot?

I will make whichever date and time that is earliest work with my schedule.

Please let me know if you require any further information on my end to complete this appointment booking.

Thank you in advance,

Sabrina Lau

SABRINA LAU
Articling Student

Miller Thomson LLP
100 New Park Place, Suite 700
Vaughan, Ontario L4K 0H9

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Fax: +1 905.660.0139
Email: slau@millerthomson.com
millerthomson.com



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From: Lau, Sabrina
Sent: Tuesday, December 21, 2021 4:48 PM
To: 'archives' <archives@toronto.ca>
Subject: RE: Locating historical subdivision agreement and history of property

Hi Paul,

Can you assist me with booking an appointment for your earliest date? I will make whichever earliest time/date work on my end.

Thank you kindly,
Sabrina

From: Paul Sharkey <Paul.Sharkey@toronto.ca> **On Behalf Of** archives
Sent: Tuesday, December 21, 2021 3:48 PM
To: Lau, Sabrina <slau@millerthomson.com>
Subject: RE: Locating historical subdivision agreement and history of property

Hello Sabrina,

Most of the records on the database will likely require an in-person visit. Access to the Archives is currently by appointment only during COVID-19. The next available appointments are not until February.

Many thanks

Paul

Paul Sharkey
Reference & Digital Engagement Archivist
City of Toronto Archives
255 Spadina Road
Toronto, ON M5R 2V3

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From: Lau, Sabrina [<mailto:slau@millerthomson.com>]
Sent: December 21, 2021 3:44 PM

To: archives <archives@toronto.ca>

Subject: RE: Locating historical subdivision agreement and history of property

Thank you for getting back to me so quickly Paul. I will look at the LRO and the database. To clarify, will any of the searches on the database be available for access online or are they all in person access documents only?

Thank you in advance,
Sabrina

SABRINA LAU
Articling Student

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Fax: +1 905.660.0139
Email: slau@millerthomson.com
millerthomson.com



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From: Paul Sharkey <Paul.Sharkey@toronto.ca> **On Behalf Of** archives
Sent: Tuesday, December 21, 2021 3:34 PM
To: Lau, Sabrina <slau@millerthomson.com>
Subject: [**EXT**] RE: Locating historical subdivision agreement and history of property

Hello Sabrina,

Thank you for contacting the Toronto Archives.

Although we do have a number of records pertaining to Riverview Gardens, it is likely the information you are looking for would be contained in the deeds or surveys of the property. These are not available at the Archives – you must contact the [Land Registry Office](#).

Any material related to Riverview Gardens within the Archives collection is described in our online catalogue, available from our [main page](#). Instructions on [using the database](#) are available on our website.

If you have any further questions, please contact us.

Many thanks

Paul

Paul Sharkey
Reference & Digital Engagement Archivist

City of Toronto Archives
255 Spadina Road
Toronto, ON M5R 2V3

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From: Lau, Sabrina [<mailto:slau@millerthomson.com>]
Sent: December 21, 2021 3:02 PM
To: archives <archives@toronto.ca>
Subject: Locating historical subdivision agreement and history of property

Good afternoon,

I hope you are well and keeping safe during this time.

I'm wondering if anyone can please assist with locating the [REDACTED]
[REDACTED] 67 Riverview Gardens, York, Ontario M6S 4E6?

Please let me know if this is something you can assist with and the approximate time required to fulfill this request.

I am hoping to be able to access this information before the holidays if possible, but definitely appreciate the timing constraints.

Thank you in advance,
Sabrina

SABRINA LAU
Articling Student

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Vaughan, Ontario L4K 0H9
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Fax: +1 905.660.0139
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SCHEDULE "C"

From: Paul Sharkey <Paul.Sharkey@toronto.ca>
Sent: Thursday, February 3, 2022 2:21 PM
To: Lau, Sabrina
Subject: RE: Cancellation of Archives February Research Hall appointments

Hello Sabrina,

Unfortunately no information is available of the Archives reopening date. All those with appointments that were cancelled will be notified upon our resumption of service.

Latest [changes to City services](#) are on the City's website.

Many thanks

Paul

Paul Sharkey
Reference & Digital Engagement Archivist
City of Toronto Archives
255 Spadina Road
Toronto, ON M5R 2V3

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From: Lau, Sabrina [mailto:slau@millerthomson.com]
Sent: February 3, 2022 2:16 PM
To: Paul Sharkey <Paul.Sharkey@toronto.ca>
Subject: RE: Cancellation of Archives February Research Hall appointments

Hi Paul,

I hope you are well. Any update?

Thanks,
Sabrina

SABRINA LAU
Articling Student

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Fax: +1 905.660.0139
Email: slau@millerthomson.com
millerthomson.com



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From: Lau, Sabrina <slau@millerthomson.com>
Sent: Monday, January 24, 2022 5:14 PM
To: Paul Sharkey <Paul.Sharkey@toronto.ca>
Subject: RE: Cancellation of Archives February Research Hall appointments

Hi Paul,

Thank you for the update – please let me know when you have further information. Our matter is quite time sensitive, so I would appreciate an appointment as close to your reopening date as possible.

Thank you,

Sabrina

SABRINA LAU
Articling Student

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Fax: +1 905.660.0139
Email: slau@millerthomson.com
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From: Paul Sharkey <Paul.Sharkey@toronto.ca>
Sent: Monday, January 24, 2022 12:45 PM
To: Lau, Sabrina <slau@millerthomson.com>
Subject: [**EXT**] Cancellation of Archives February Research Hall appointments

Hello Sabrina,

Due to the changes in the public health situation, the Archives has closed effective December 22, 2021, and all appointments have been cancelled until further notice. We apologize for the inconvenience.

We will send you an email to reschedule your appointment as soon as we have a confirmed reopening date.

Thank you so much, and stay well.

Paul

Paul Sharkey

Reference & Digital Engagement Archivist
City of Toronto Archives
255 Spadina Road
Toronto, ON M5R 2V3

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