City Clerk
Administrator, Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West
10th Floor, West Tower
Toronto, ON
M5H 2N2

ATTENTION: Merle MacDonald

Re: Proposed Amendments to Zoning By-law for the City of Toronto No. 1156-2010
2952 to 2958 Bayview Avenue
City of Toronto

Weston Consulting Group Inc. (WCGI) is the planning consultant for Symmetry Developments Incorporated, the owner of 2952 to 2958 Bayview Avenue (the "subject lands") in the City of Toronto. We are making this submission in response to the proposed amendments to the City of Toronto Zoning By-law City 1156-2010 item PG2.5 to be considered by Planning and Growth Management Committee on March 24, 2011.

The subject lands are located on the southwest corner of Bayview Avenue and Hillcrest Avenue in the City of Toronto.

The City of Toronto new Zoning By-law 1156-2010 zones the subject lands as "RD: Residential Detached Zone". This zoning does not reflect the OMB order (see attached) dated June 3, 2010, which rezones the subject lands from R6 (One Family Detached Dwelling Sixth Density Zone) to RM1 (Multiple Family Dwelling First Density Zone) to permit the development of eleven townhouse units. The City has approved the site plan and more recently approved the draft plan of common elements and part lot control exemption applications for this townhouse development in accordance with the OMB order.

WCGI submitted correspondence dated June 9, 2010 (attached) requesting that the new Draft Zoning By-law be amended to be consistent with the OMB order permitting this townhouse development and incorporate an appropriate townhouse zoning and specific provisions.

Further to Council adoption of Zoning By-law 1156-2011 in August 2010, it is our understanding that the City of Toronto is proposing to enact amendments to correct some
zone labels that were incorrectly assigned. Both the “Staff Report on the Appeals to the New Zoning By-law”, dated March 8, 2011, which was prepared for the March 24, 2011 Planning and Growth Management Committee and the Notice of Public Meeting, did not include the subject property on the list of properties to have their zoning changed either through alteration of the Zone Label or by reference to a specific exception.

We have launched an appeal to the OMB (see attached letter dated Sept. 22, 2010, from Osler, Hoskin & Harcourt LLP) regarding this inconsistency and hereby request that the proposed amendments to the City of Toronto’s new Zoning By-law 1156-2010 incorporate an appropriate townhouse zoning and specific provisions as outlined in the attached OMB order for the subject property.

We would request that the City deal with this matter expeditiously and correct their error now so that our client may withdraw its appeal and avoid unnecessary cost for both the City and our client.

Please ensure that we receive all future notices with respect to the new Zoning By-law 1156-2010 as it applies to the subject lands.

Yours truly,

Alan Young, BES, MSc, MCIP, RPP
Senior Associate

Cc: Sayf Hassan, Symmetry Developments Inc.
    Michael Bowman, Osler, Hoskin & Harcourt LLP
    Christopher May, City of Toronto
Weston Consulting Group Inc.
"Land Use Planning Through Experience and Innovation"

June 9, 2010
File No. 4568

City Clerk
Administrator, Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West
10th Floor, West Tower
Toronto, ON
M5H 2N2

ATTENTION: Merle MacDonald

Re: Draft City of Toronto Zoning By-law - May 27, 2010
2952 to 2958 Bayview Avenue
City of Toronto

Weston Consulting Group Inc. (WCGI) is the planning consultant for Symmetry Developments Incorporated, the owner of 2952 to 2958 Bayview Avenue (the "subject lands") in the City of Toronto. We are making this submission in response to the City of Toronto's new Draft Zoning By-law (May 27, 2010) which will be considered at the statutory public meeting scheduled on June 16, 2010.

The subject lands are located on the southwest corner of Bayview Avenue and Hillcrest Avenue in the City of Toronto.

The City of Toronto new Draft Zoning By-law zones the subject lands as "RD- Residential Detached Zone". This zoning does not reflect the OMB order (see attached) dated June 3, 2010, which rezones the subject lands from R6 (One Family Detached Dwelling Sixth Density Zone) to RM1 (Multiple Family Dwelling First Density Zone) to permit the development of eleven townhouse units. The City has recently approved the site plan for this townhouse development in accordance with the OMB order.

The new Draft Zoning By-law should therefore be amended to be consistent with the attached OMB order permitting this townhouse development. We hereby request that the City of Toronto's new Draft Zoning By-law incorporate an appropriate townhouse zoning and specific provisions as outlined in the attached OMB order. We would consider this to be in the nature of a technical amendment to the new Draft Zoning By-law to ensure consistency with the OMB order.
Please ensure that we receive all future notices with respect to the new Draft Zoning By-law as it applies to the subject lands.

Yours truly,

[Signature]

Alan Young, BES, MSc, MCIP, RPP
Senior Associate

Cc: Sayf Hassan, Symmetry Developments Inc.
    Michael Bowman, Osler, Hoskin & Harcourt LLP
    Rob Robinson, City of Toronto
    Kelly Jones, City of Toronto
September 22, 2010

SENT BY COURIER

Ulli S. Watkiss, City Clerk
City of Toronto
Toronto City Hall
13th Floor West, 100 Queen Street West
Toronto, ON M5H 2N2

Dear Ms. Watkiss:

Appeal by Symmetry Developments Incorporated of New City of Toronto Zoning By-law No. 1156-2010 As Applied to 2952 to 2958 Bayview Avenue

We are writing on behalf of our client Symmetry Developments Inc. ("Symmetry") with respect to the new City of Toronto Zoning By-law (By-law No. 1156-2010, the "New ZBL"). The purpose of this letter is to file a limited protective appeal to the Ontario Municipal Board against the New ZBL as it applies to Symmetry’s development site at 2952 to 2958 Bayview Avenue (the "Subject Lands") pursuant to subsection 34(19) of the Planning Act.

The Subject Lands are located on the southwest corner of Bayview Avenue and Hillcrest Avenue in the City of Toronto. On June 3, 2010, the Ontario Municipal Board (the "Board"), following a hearing, issued an order rezoning the Subject Lands under the former City of North York Zoning By-Law 7625 from R6 (One Family Detached Dwelling Sixth Density Zone) to RM1 (Multiple Family Dwelling First Density Zone) in order to permit the development of eleven townhouse units. A copy of the Board’s order is attached. The City also approved a site plan for this townhouse development in accordance with the Board’s order.

Notwithstanding the Board’s order, the New ZBL continues to zone the Subject Lands as "RD-Residential Detached Zone", which does not reflect the Board’s decision and the City’s site plan approval. Accordingly, the New ZBL should be amended in order to incorporate an appropriate townhouse zoning and the specific provisions as outlined in the attached Board order. We consider this to be a technical amendment to the New ZBL in order to ensure consistency with the Board’s order.

Through its planning consultant, Weston Consulting Group Inc. ("WCGI"), Symmetry has participated in commenting on the new ZBL. On June 9, 2010, WCGI wrote a letter to the City Clerk setting out the concerns addressed herein, which it asked to be addressed at the June 16, 2010 statutory public meeting considering the New ZBL.
Accordingly, in order to ensure that Symmetry is not prejudiced in any way by the enactment of the New ZBL, Symmetry is hereby appealing the New ZBL as it applies to the Subject Lands pursuant to subsection 34(19) of the Planning Act. This is being done on a protective basis, and Symmetry anticipates that it will be able to resolve this issue with the City without the necessity of a hearing.

In accordance with the Board’s requirements, enclosed please find a completed Appellant Form (A1) and our solicitor’s trust account cheque in the amount of $125 payable to the Minister of Finance. Please ensure that we receive all notices with respect to the scheduling of this appeal.

Please address any questions to our attention.

Yours very truly,

Michael Bowman
MB:nd

Enclosures

  c. Secretary, Ontario Municipal Board
Symmetry Developments incorporated has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 7625 of the City of Toronto to rezone lands respecting 2962 to 2968 Bayview Ave from R6 (One Family Detached Dwelling Sixth Density Zone) to RM1 (Multiple Family Dwellings First Density Zone) to permit the development of eleven (11) townhouses joined in a single row.

OMB File No. PL081446

Symmetry Developments has referred to the Ontario Municipal Board under subsection 41(12) of the Planning Act, R.S.O. 1990, c.P.13, as amended, determination and settlement of details of a site plan for lands composed of Part of Lots 349, 350, 351, Registered Plan 1939 and Part of Lots 458 and Part of Lane, Registered Plan 1801, Ward 23, (2962 to 2968 Bayview Ave) in the City of Toronto.

OMB File No. PL081407

BEFORE:

SUSAN B. CAMPBELL
MEMBER

Thursday, the 3rd day of June 2010

THESE MATTERS having come on for public hearing and after the hearing, the Board in its Decision issued April 16, 2009 allowed the appeal and amended Zoning By-law 7625 in accordance with Attachment 1;

AND THE BOARD, having received a letter from Robert A. Robinson, Solicitor, City of Toronto, dated May 25, 2010 requesting that a revised draft Zoning By-law replace the draft Zoning By-law currently attached to the Decision to provide additional definitions with respect to yards and third floor decks;

AND THE BOARD being advised that the parties are in agreement with regards to the revisions of the draft Zoning By-law;
THE BOARD ORDERS that the draft By-law attached to this Order and titled Attachment 1 replace Attachment 1 of the Board's Decision issued April 16, 2008 and that the City assign a By-law number to the attached By-law, in all other respects the Decision remains the same.

SECRETARY
BY-LAW No. 2810 (OMB)

To amend City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 2952 to 2968 Bayview Avenue.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York, as amended, are hereby further amended in accordance with Schedule “1” of this By-law.

2. Section 64.16 of By-law No. 7625, as amended, is hereby further amended by adding the following:

44.16 (81) RM1 (81)

PERMITTED USES

a) The only permitted uses shall be multiple attached dwellings.

EXCEPTION REGULATIONS

MAXIMUM NUMBER OF DWELLING UNITS

b) The maximum number of dwelling units shall be 11.

LOT AREA

c) The minimum lot area shall be 170 m² per dwelling unit.

MAXIMUM GROSS FLOOR AREA
d) The maximum gross floor area shall be 3000 m².

LOT COVERAGE
e) The maximum lot coverage shall be 51%.

BUILDING HEIGHT

f) The maximum building height shall be 3 storeys or 12.0 metres, whichever is the lesser.

g) Notwithstanding the foregoing, the height of any portion of the building may not exceed 70% of the distance of that portion of the building from the west lot line.

YARDS

h) The minimum yards shall be as shown on Schedule “RM1 (81)”.
i) Notwithstanding paragraph (h), bay windows shall be permitted to encroach up to 0.6 m into any required yard.

j) Notwithstanding paragraph (h), an enclosed porch and accompanying stairs shall be permitted to encroach up to 2.4 metres into any required yard located adjacent to a street.

PARKING

k) A minimum of 2 parking spaces per dwelling unit shall be provided.

LANDSCAPING

l) The provisions of Sections 6A(6)(e) and 15.8 of By-law No. 7625, as amended, shall not apply.

THIRD FLOOR DECK

m) Each third floor deck shall have a maximum area of 8.3 m², and shall have an opaque privacy screen to a minimum height of 1.5 m around the entire deck.

UNEXCAVATED PORCHES AND DECKS

n) The provisions of Section 6(24) of By-law No. 7625, as amended, shall not apply.*

3. Section 64.16 of By-law No. 7625 is amended by adding Schedule RM1 (81) attached to this By-law.

ENACTED AND PASSED this day of A.D. 2010.

SANDRA BUSSIN, Speaker

ULLI S. WATKISS, City Clerk

(Corporate Seal)
Instructions for preparing and submitting the Appellant Form (A1)

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- A filing fee of $125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board’s website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor’s general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The Planning Act and the Ontario Municipal Board Act are available on the Board’s website.
### APPELLANT FORM (A1)
**PLANNING ACT**

**SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY**

**Part 1: Appeal Type (Please check only one box)**

<table>
<thead>
<tr>
<th>SUBJECT OF APPEAL</th>
<th>TYPE OF APPEAL</th>
<th>PLANNING ACT REFERENCE (SECTION)</th>
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<tbody>
<tr>
<td>Minor Variance</td>
<td>Appeal a decision</td>
<td>45(12)</td>
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<td>Consent/Separation</td>
<td>Appeal a decision</td>
<td>53(19)</td>
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<td>Appeal conditions imposed</td>
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<td>Appeal changed conditions</td>
<td>53(14)</td>
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<td>Failed to make a decision on the application within 90 days</td>
<td>53(14)</td>
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<td>Zoning By-law or Zoning By-law Amendment</td>
<td>Appeal the passing of a Zoning By-law</td>
<td>34(19)</td>
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<tr>
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<td>34(11)</td>
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<tr>
<td>Interim Control By-law</td>
<td>Appeal the passing of an Interim Control By-law</td>
<td>38(4)</td>
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<tr>
<td>Official Plan or Official Plan Amendment</td>
<td>Appeal a decision</td>
<td>17(24) or 17(36)</td>
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<td>Failed to make a decision on the plan within 180 days</td>
<td>17(40)</td>
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<td>Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days</td>
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<td>Application for an amendment to the Official Plan – refused by the municipality</td>
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<td>Plan of Subdivision</td>
<td>Appeal a decision</td>
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**Part 2: Location Information**

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: 2952-2958 Bayview Avenue, Toronto

A1 Revised April 2010
Part 3: Appellant Information

First Name: ___________________________ Last Name: ___________________________

Symmetry Developments Inc.  
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):  Sayf Hassan

E-mail Address: sayfhassan@gmail.com  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-361-6969  
Alternate Telephone #: ___________________________

Fax #: 905-361-0959

Mailing Address: 50 Village Centre Place Suite 200  Mississauga  
Street Address: Apt/Suite/Unit#: ________ City/Town: ________

Ontario Province  ________ Country (if not Canada): ________

Postal Code: L4Z 1V9

Signature of Appellant: ___________________________ Date: ___________________________

(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the Planning Act, R.S.O. 1990, c. P. 13, as amended, and the Ontario Municipal Board Act, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Michael  Last Name: Bowman

Company Name: Osler, Hoskin & Harcourt LLP

Professional Title: Lawyer

E-mail Address: mbowman@osler.com  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-862-6834  
Alternate Telephone #: ___________________________

Fax #: 416-862-6966

Mailing Address: 1 First Canadian Place, P.O. Box 50  
Street Address: Apt/Suite/Unit#: ________ City/Town: ________

Ontario Province  ________ Country (if not Canada): ________

Postal Code: M5X 1B8

Signature of Appellant: [Signature]  Date: 5/15/2010

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.
Part 5: Language and Accessibility

Please choose preferred language: ☑ English  ☐ French

We are committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
Zoning By-Law 1156-2010 as it applies to 2952-2958 Bayview Avenue

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)
See attached letter

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal.

**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES x NO ☐

Are there other planning matters related to this appeal? YES x NO ☐
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)
Other appeals of Zoning By-Law 1156-2010

A1 Revised April 2010
**Part 8: Scheduling Information**

How many days do you estimate are needed for hearing this appeal?  
☑️ half day  □ 1 day  □ 2 days  □ 3 days  
□ 4 days  □ 1 week  □ More than 1 week – please specify number of days: __________________

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
One

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

Planning

Do you believe this matter would benefit from mediation?  
YES ☑️  NO □  
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference?  
YES ☑️  NO □  
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why?  Issues are resolvable

**Part 9: Other Applicable Information** "Attach a separate page if more space is required.


**Part 10: Required Fee**

Total Fee Submitted: $ 125.00

Payment Method:  
☐ Certified cheque  ☐ Money Order  ☑ Solicitor’s general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.
Osler, Hoskin & Harcourt LLP
1 First Canadian Place
PO BOX 50
Toronto ON (Ontario) M6X 1B6 Canada
141.382.2111 MAIN

Pay : 11158
To Canada Trust
Toronto ON M5K 1X9
Calgary AB (Ontario) T2P 5Y9
Positive Pay in use

Pay to : Minister of Finance
the order of :

Memo :

Date : 20100921

Operating Account

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Payee : Minister of Finance
Vendor #: 36084800
Cheque Number : 11158
Cheque Date : 20100921
Bank Code : CAOPTD

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Minister of Finance