PG2.5.75

Weston Consulting Group Inc.

'Land Use Planning Through Experience and Innovation'

March 24, 2011
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

CITY CLERK'S OFFICE
SECRETARIAT SECTION
2011 MAR 29 P 2:52

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,

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

Osler, Hoskin & Harcourt LLP
Box 50, 1 First Canadian Place
Toronto, Ontario, Canada M5X 1B8
416.362.2111 MAIN
416.862.6666 FACSIMILE

OSLER

Toronto
Montréal
Calgary
Ottawa
New York

September 22, 2010

Michael Bowman
Direct Dial: (416) 862-6834
mbowman@osler.com
Our Matter Number: 1113512

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

ISSUE DATE:

June 3, 2010

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL081407
PL081445

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 2952 to 2958 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. PL081445

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 1609 and Part of Lots 468 and Part of Lane, Registered Plan 1601, Ward 23, (2952 to 2958 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, 2009 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. -2010 (OMB)

To amend City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 2952 to 2958 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:

"64.16 (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 unenclosed 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)(c) 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."

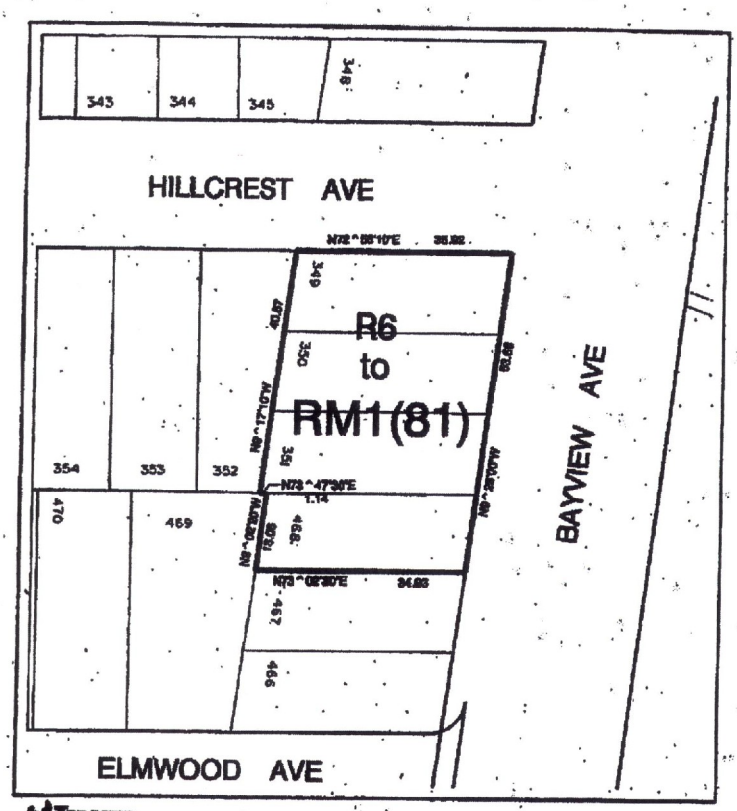
3. Section 64.16 of By-law No. 7625 is amended by adding Schedule RM1 (81) attached to this By-law.

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

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



City Planning

Schedule 1

Part of Lots 348, 350 & 351 R.P. 1609 and Part of Lot 468 and Part of Lane R.P 1801

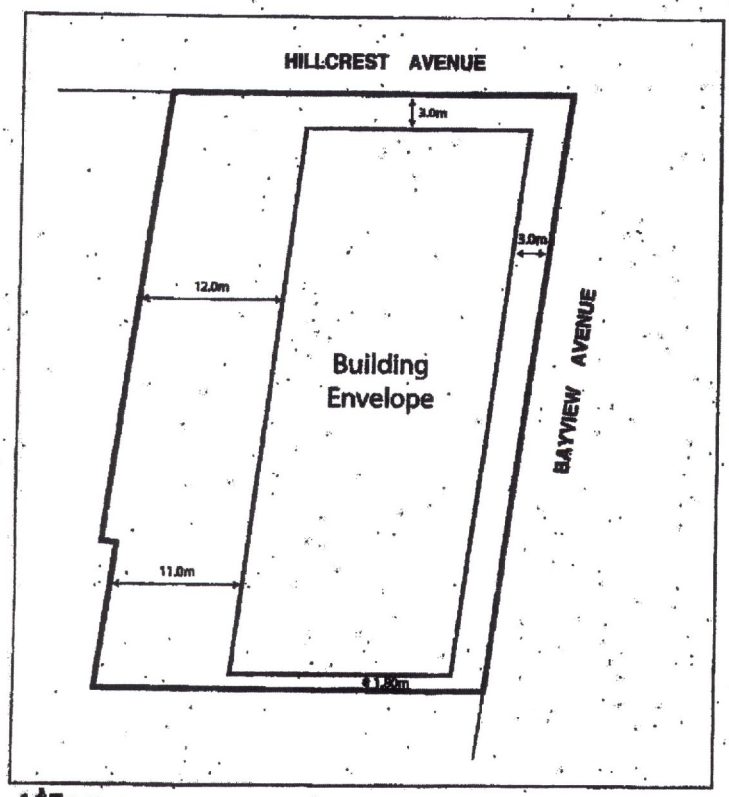
File # 08_176276

Plan of Survey by Todd R. Scales Surveying dated September 20, 2000

Date: 02/19/2010

Approved by: K. J.

Not to Scale



TORONTO City Planning

Schedule RM1(81)

Part of Lots 349, 350 & 351 R.P. 1809 and Part of Lot 488 and Part of Lane R.P. 1801
Plan of Survey by David B. Sandes Surveying dated September 25, 2008

File # 08_175275

Date: 02/10/2010
Approved by: K.J.

Not to Scale

Environment and Land Tribunals Ontario
Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

Tribunaux de l'environnement et de l'aménagement du territoire Ontario
Commission des affaires municipales de l'Ontario
655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 326-5370
Site Web: www.elto.gov.on.ca

Ontario

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.**

Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370
Ontario www.elto.gov.on.ca

APPELLANT FORM (A1)
PLANNING ACT

SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

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

SUBJECT OF APPEAL	TYPE OF APPEAL	*PLANNING ACT* REFERENCE (SECTION)
Minor Variance	☐ Appeal a decision	*45(12)*
Consent/Severance	☐ Appeal a decision	*53(19)*
	☐ Appeal conditions imposed	
	☐ Appeal changed conditions	*53(27)*
	☐ Failed to make a decision on the application within 90 days	*53(14)*
Zoning By-law or Zoning By-law Amendment	☑ Appeal the passing of a Zoning By-law	*34(19)*
	☐ Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	*34(11)*
	☐ Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	☐ Appeal the passing of an Interim Control By-law	*38(4)*
Official Plan or Official Plan Amendment	☐ Appeal a decision	*17(24) or 17(36)*
	☐ Failed to make a decision on the plan within 180 days	*17(40)*
	☐ Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	*22(7)*
	☐ Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	☐ Appeal a decision	*51(39)*
	☐ Appeal conditions imposed	*51(43) or 51(48)*
	☐ Failed to make a decision on the application within 180 days	*51(34)*

Part 2: Location Information

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

Municipality/Upper tier:_2952-2958 Bayview Avenue, Toronto

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): Attention: 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 #: 905-361-0959 Alternate Telephone #: _____

Fax #: 905-361-0959

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

Ontario (Province) (Country if not Canada) L4Z 1V9 (Postal Code)

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 #: 416-862-6666

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

Ontario (Province) (Country if not Canada) M5X 1B8 (Postal Code)

Signature of Appellant: Osler Hoskin & Harcourt LLP [signature] Date: SEPT 22, 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

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.**

THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE REVERSE | CE DOCUMENT CONTIENT DES CARACTÉRISTIQUES DE SÉCURITÉ - VOIR À L'ENDOS

Osler, Hoskin & Harcourt LLP
1 First Canadian Place
PO BOX 50
Toronto ON (Ontario) M5X 1B8 Canada
416.362.2111 MAIN

TD Canada Trust
Transit #08062
180 TD Square
Calgary AB (Alberta) T2P 2Y9

11158

Date : 20100921
YYYYMMDD

Positive Pay in use

Pay : **********One hundred twenty-five and 00/100 ***$ 125.00

Pay to the order of : Minister of Finance

Operating Account

Memo :

⑈011158⑈ ⑆01489⑈004⑆ ⑈64920⑈

Payee : Minister of Finance
Vendor # : 36084800

Bank Code : CAOPTD

Cheque Number : 11158
Cheque Date : 20100921

Invoice Number	Invoice Date	GST Amount	QST Amount	HST Amount	Invoice Amount	Payment Amount
R2083896	20100921	0.00	0.00	0.00	125.00	125.00
				Total :	$ 125.00	$ 125.00

Minister of Finance