

mcmillan

Reply to the Attention of Mary Flynn-Guglietti
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Our File No. 76816
Date November 1, 2011

Delivered by e-mail to etcc@toronto.ca
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Etobicoke York Community Council
City of Toronto
City Clerk's Office
Etobicoke Civic Centre
399 The West Mall
Toronto, Ontario
M9C 2Y2

Attention: Ms. Rosemary Mackenzie, Committee Administrator

Dear Chair Councillor Grimes and Members of the Etobicoke York Community Council:

Re: Item No. EY11.7 of the November 2, 2011 Agenda for
EYCC 25 Vickers Road, 5555 and 5559 Dundas Street
West and 10 Shorncliffe Road
Request for Direction Report –
Scheduled for 10:00 a.m.

We are the solicitors acting on behalf of The Azuria Group ("Azuria") owners of the properties municipally known as 5555 Dundas Street West (Honeydale Mall) and 10 Shorncliffe Road in the former City of Etobicoke. It is my intention to attend at the EYCC meeting today to speak to this item on behalf of my clients, however as a result of another item scheduled before the Toronto and East York Community Council at the same time I would respectfully request that this item be deferred to the bottom of the list. Your consideration is greatly appreciated.

We have now had an opportunity to review the October 31, 2011 report from the Director of Community Planning in connection with this matter and wish to provide our comments. Specifically we agree that both the Azuria and Metro applications for zoning by-law and official plan amendments have been filed with the municipality since 2005. The Azuria application was amended to include 10 Shorncliffe Road in January of 2011. The main reason for the delay in processing the applications was to ensure that an overall framework study was



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implemented. The planning framework was implemented through the passage of Official Plan Amendment 156, which was passed by Council in July of 2011.

Metro appealed its site specific applications to the OMB in January of 2011. Three pre-hearings have been held by the OMB and a hearing has been scheduled to commence on February 13, 2012 for approximately three (3) weeks. Our clients, together with representatives of Metro, have been working with City Staff to arrive at a form of the zoning by-law that would be acceptable to all of the parties. At this time there is no final agreement regarding this issue.

Originally the hearing was scheduled to commence on January 23, 2012, however the OMB member agreed to delay the start date of the hearing to ensure that the City solicitor had additional time to consult and obtain instructions from City Council regarding the hearing. As this additional time has been accommodated we therefore suggest that Council instruct its staff to meet with the applicants' representatives to determine if a resolution of outstanding matters can be achieved prior to the commencement of the hearing. The matters that remain outstanding and unresolved for our client concern the height, density, the amount of outdoor amenity space, the holding provisions, the size of the park, the art contribution and the amount and timing of the section 37 payment.

Your consideration is greatly appreciated.

Yours very truly,

Mary Flynn Guglietti

/rs

Copy to:

Susan Collins
Edith Devico
Stephen O'Melia
Richard Domes