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# AIRD & BERLIS LLP

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Barristers and Solicitors

Robert G. Doumani  
Direct: 416.865.3060  
E-mail: rdoumani@airdberlis.com

May 6, 2011

BY EMAIL

Our File No. 87265

City Clerk  
Toronto City Hall  
100 Queen Street West  
10<sup>th</sup> Floor, West Tower  
Toronto, ON M5H 2N2

Attention: Merle MacDonald, Administrator  
Planning & Growth Management Committee

Dear Ms. MacDonald:

**Re: Appeal of By-law 537-2011, By-law 538-2011, By-law 539-2011, By-law 540-2011, By-law 541-2011, By-law 542-2011, By-law 543-2011 and By-law-544-2011 pursuant to Section 34(19) of the Planning Act;**

**1844 – 1854 Bloor Street West, 6-14 Oakmount Road and  
35 and 37 Pacific Avenue, City of Toronto**

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We act on behalf of W.J. Holdings Limited, Davhill Investments Limited and Car-Allan Investments Limited, in respect of the above referenced lands located in the City of Toronto.

Prior to the August 2010 enactment of comprehensive Zoning By-law No. 1156-2010, written submissions were made to the City of Toronto outlining our clients' concerns with respect to how the City's new zoning by-law would impact their lands. Our clients' concerns were not addressed prior to the enactment of By-law No. 1156-2010 and, accordingly, our clients appealed Council's decision to enact By-law No. 1156-2010. [Appeal # 88]

Under separate cover by letter dated March 22, 2011 we provided written submissions on the above noted By-laws which were considered at the public meeting held on March 24, 2011.

On behalf of our clients we hereby appeal By-law 537-2011, By-law 538-2011, By-law 539-2011, By-law 540-2011, By-law 541-2011, By-law 542-2011, By-law 543-2011 and By-law 544-2011 pursuant to Section 34(19) of the *Planning Act* as they fail to respond to our client's objections to By-law 1156-2010.

May 6, 2011  
Page 2

Our clients reserve their rights to raise such further and other grounds at any hearing of their appeal.

In support of our clients' appeal please find enclosed our completed Appellant Form A1 for the Ontario Municipal Board with respect to each of the above noted by-laws. Our solicitor's cheques for the prescribed fee payable to the Minister of Finance in the amount of \$125.00 per appeal will follow once we determine whether City Council has repealed By-law 1156-2010.

Yours truly,

AIRD & BERLIS LLP



Robert G. Doumani

RGD/bna/eb

Encl.

c. P. Fryers  
P. Stagl

9278849.1



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  
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 www.elfto.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)**

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|  | <input type="checkbox"/> Appeal a decision  | 53(19)                           |
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1844-1854 Bloor Street West, 6-14 Oakmount Road and 35 and 37 Pacific Avenue, City of Toronto

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

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First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

W. J. Holdings Limited, Davhill Investments Limited and Car-Allan Investments Limited  
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: perry@wjproperties.ca  
**By providing an e-mail address you agree to receive communications from the OMB by e-mail.**

Daytime Telephone #: 416-429-5277 Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 7 St. Dennis Drive Suite 101 Toronto  
Street Address Apt/Suite/Unit# City/Town  
Ontario M3C 1E4  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Signature not required if the appeal is submitted by a law office.)*

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

First Name: Robert Last Name: Doumani

Company Name: Aird & Berlis LLP

Professional Title: Solicitor

E-mail Address: rdoumani@airdberlis.com  
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Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: 11/9/11

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**Part 5: Language and Accessibility**

Please choose preferred language:  English  French

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**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)

City of Toronto Zoning By-law No. 537-2011

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(Please print)

See cover letter.

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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:  
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[Empty box for explanatory note]

**Part 7: Related Matters (if known)**

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

Are there other planning matters related to this appeal? YES  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:

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City of Toronto By-law 1156-2010  
OMB PL 101111  
Appeal # 207

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**Ontario Municipal Board**  
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 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248  
 FAX: (416) 326-5370  
 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                           | <input type="checkbox"/> Appeal a decision  | 45(12)                           |
|  | <input type="checkbox"/> Appeal a decision  | 53(19)                           |
| Consent/Severance                        | <input type="checkbox"/> Appeal conditions imposed  | 53(27)                           |
|  | <input type="checkbox"/> Appeal changed conditions  | 53(14)                           |
|  | <input type="checkbox"/> Failed to make a decision on the application within 90 days  | 53(14)                           |
|  | <input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law   | 34(19)                           |
| Zoning By-law or Zoning By-law Amendment | <input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days | 34(11)                           |
|  | <input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality                                  | 34(11)                           |
| Interim Control By-law                   | <input type="checkbox"/> Appeal the passing of an Interim Control By-law  | 38(4)                            |
| Official Plan or Official Plan Amendment | <input type="checkbox"/> Appeal a decision  | 17(24) or 17(36)                 |
|  | <input type="checkbox"/> Failed to make a decision on the plan within 180 days  | 17(40)                           |
|  | <input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days | 22(7)                            |
|  | <input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality                                  | 22(7)                            |
| Plan of Subdivision                      | <input type="checkbox"/> Appeal a decision  | 51(39)                           |
|  | <input type="checkbox"/> Appeal conditions imposed  | 51(43) or 51(48)                 |
|  | <input type="checkbox"/> Failed to make a decision on the application within 180 days   | 51(34)                           |

**Part 2: Location Information**

1844-1854 Bloor Street West, 6-14 Oakmount Road and 35 and 37 Pacific Avenue, City of Toronto

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

Municipality/Upper tier: City of Toronto

**Part 3: Appellant Information**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

W. J. Holdings Limited, Davhill Investments Limited and Car-Allan Investments Limited  
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: perry@wjproperties.ca  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-429-5277 Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

|                  |                           |                         |                |
|------------------|---------------------------|-------------------------|----------------|
| Mailing Address: | <u>7 St. Dennis Drive</u> | <u>Suite 101</u>        | <u>Toronto</u> |
|                  | Street Address            | Apt/Suite/Unit#         | City/Town      |
|                  | <u>Ontario</u>            |                         | <u>M3C 1E4</u> |
|                  | Province                  | Country (if not Canada) | Postal Code    |

Signature of Appellant: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature not required if the appeal is submitted by a law office.)

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**Part 4: Representative Information (if applicable)**

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

First Name: Robert Last Name: Doumani

Company Name: Aird & Berlis LLP

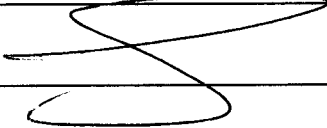
Professional Title: Solicitor

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

Daytime Telephone #: 416.865.3060 Alternate Telephone #: \_\_\_\_\_

Fax #: 416.863.1515

|                  |   |                            |                |
|------------------|---|----------------------------|----------------|
| Mailing Address: | <u>Brookfield Place, 181 Bay Street</u> | <u>Suite 1800, Box 754</u> | <u>Toronto</u> |
|                  | Street Address                          | Apt/Suite/Unit#            | City/Town      |
|                  | <u>Ontario</u>                          |                            | <u>M5J 2T9</u> |
|                  | Province                                | Country (if not Canada)    | Postal Code    |

Signature of Appellant:  Date: May 6/11

*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

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**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)

City of Toronto Zoning By-law No. 540-2011

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(Please print)

See cover 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:  
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**Part 7: Related Matters (if known)**

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

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(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)

City of Toronto By-law 1156-2010  
OMB PL 101111  
Appeal # 207

**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: Unknown

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
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Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  
Planner

Do you believe this matter would benefit from mediation? YES  NO

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*Receipt Number (OMB Office Use Only)*

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First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

W. J. Holdings Limited, Davhill Investments Limited and Car-Allan Investments Limited

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: perry@wjproperties.ca

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-429-5277 Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 7 St. Dennis Drive Suite 101 Toronto  
Street Address Apt/Suite/Unit# City/Town

Ontario M3C 1E4  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: \_\_\_\_\_

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

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First Name: Robert Last Name: Doumani

Company Name: Aird & Berlis LLP

Professional Title: Solicitor

E-mail Address: rdoumani@airdberlis.com

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Mailing Address: Brookfield Place, 181 Bay Street Suite 1800, Box 754 Toronto  
Street Address Apt/Suite/Unit# City/Town

Ontario M5J 2T9  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: May 6/11

**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.**

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**Part 5: Language and Accessibility**

Please choose preferred language:  English  French

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**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)  
City of Toronto Zoning By-law No. 541-2011

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(Please print)  
See cover letter.

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**Part 7: Related Matters (if known)**

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

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(Please print)  
City of Toronto By-law 1156-2010  
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Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  
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*(Mediation is generally scheduled only when all parties agree to participate)*

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

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**Part 10: Required Fee**

Total Fee Submitted: \$ 125.00

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[Empty box for explanatory note]

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|  | <input type="checkbox"/> Failed to make a decision on the plan within 180 days  | 51(39)                           |
|  | <input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days | 51(43) or 51(48)                 |
|  | <input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality                                  | 51(34)                           |
| Plan of Subdivision                      | <input type="checkbox"/> Appeal a decision  | 51(39)                           |
|  | <input type="checkbox"/> Appeal conditions imposed  | 51(43) or 51(48)                 |
|  | <input type="checkbox"/> Failed to make a decision on the application within 180 days   | 51(34)                           |

**Part 2: Location Information**

1844-1854 Bloor Street West, 6-14 Oakmount Road and 35 and 37 Pacific Avenue, City of Toronto

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

Municipality/Upper tier: City of Toronto

**Part 3: Appellant Information**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

W. J. Holdings Limited, Dayhill Investments Limited and Car-Allan Investments Limited  
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: perry@wjproperties.ca  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-429-5277 Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 7 St. Dennis Drive Suite 101 Toronto  
Street Address Apt/Suite/Unit# City/Town  
Ontario M3C 1E4  
Province Country (if not Canada) 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: Robert Last Name: Doumani

Company Name: Aird & Berlis LLP

Professional Title: Solicitor

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

Daytime Telephone #: 416.865.3060 Alternate Telephone #: \_\_\_\_\_

Fax #: 416.863.1515

Mailing Address: Brookfield Place, 181 Bay Street Suite 1800, Box 754 Toronto  
Street Address Apt/Suite/Unit# City/Town  
Ontario M5J 2T9  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: May 6/11

*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)  
City of Toronto Zoning By-law No. 543-2011

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 cover 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  NO

Are there other planning matters related to this appeal? YES  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)  
City of Toronto By-law 1156-2010  
OMB PL 101111  
Appeal # 207

**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: Unknown

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
One (1)

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

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? To settle the issue raised in this appeal.

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

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**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.**



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  
 www.elt.o.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                           | <input type="checkbox"/> Appeal a decision  | 45(12)                           |
|  | <input type="checkbox"/> Appeal a decision  | 53(19)                           |
| Consent/Severance                        | <input type="checkbox"/> Appeal conditions imposed  | 53(27)                           |
|  | <input type="checkbox"/> Appeal changed conditions  | 53(14)                           |
|  | <input type="checkbox"/> Failed to make a decision on the application within 90 days  | 34(19)                           |
|  | <input type="checkbox"/> Failed to make a decision on the application within 120 days   | 34(11)                           |
| Zoning By-law or Zoning By-law Amendment | <input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law   | 38(4)                            |
|  | <input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days | 22(7)                            |
|  | <input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality                                  | 17(24) or 17(36)                 |
| Interim Control By-law                   | <input type="checkbox"/> Appeal the passing of an Interim Control By-law  | 17(40)                           |
| Official Plan or Official Plan Amendment | <input type="checkbox"/> Appeal a decision  | 51(39)                           |
|  | <input type="checkbox"/> Failed to make a decision on the plan within 180 days  | 51(43) or 51(48)                 |
|  | <input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days | 51(34)                           |
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| Plan of Subdivision                      | <input type="checkbox"/> Appeal a decision  |                                  |
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E-mail Address: perry@wjproperties.ca  
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First Name: Robert Last Name: Doumani

Company Name: Aird & Berlis LLP

Professional Title: Solicitor

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

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Fax #: 416.863.1515

Mailing Address: Brookfield Place, 181 Bay Street Suite 1800, Box 754 Toronto  
Street Address Apt/Suite/Unit# City/Town  
Ontario M5J 2T9  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: 4/9/11

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(Please print)

City of Toronto Zoning By-law No. 544-2011

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(Please print)

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[Empty box for explanatory note]

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OMB PL 101111  
Appeal # 207

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