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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 9, 2011

BY EMAIL

Our File No. 106498

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

Attention: City Clerk, 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;**

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**10 Huntley Street**

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We act on behalf of Glen-Huntley Holdings Limited and APS Holdings 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 # 11]

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 clients' objections to By-law 1156-2010.

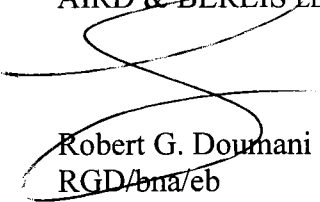
Our clients reserve their rights to raise such further and other grounds at any hearing of their appeal.

May 9, 2011  
Page 2

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. Dounani  
~~RGD/bna/eb~~  
Encls.

c. Avrom Salz

9279331.1



**SUBMIT COMPLETED FORM  
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Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

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Please see attached letter dated March 22, 2011.

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PL101111 – Appeal #11

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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.**

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: 9/5/11

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**Part 5: Language and Accessibility**

Please choose preferred language:  English  French

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**Part 6: Appeal Specific Information**

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(Please print)  
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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.

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Please see attached letter dated March 22, 2011.

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(Please print)  
PL101111 – Appeal #11

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**APPELLANT FORM (A1)  
 PLANNING ACT**

**SUBMIT COMPLETED FORM  
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Date Stamp - Appeal Received by Municipality

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

Professional Title (if applicable): General Counsel

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PL101111 – Appeal #11

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 PLANNING ACT**

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PL101111 – Appeal #11

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	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<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	
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	
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**

10 Huntley Street

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

Municipality/Upper tier: City of Toronto

**Part 3: Appellant Information**

First Name: Avrom Last Name: Salz

Glen-Huntley Holdings Limited and APS Holdings Limited  
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): General Counsel

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

Daytime Telephone #: 416-449-3300 x 218 Alternate Telephone #: \_\_\_\_\_

Fax #: 416-449-0392

Mailing Address: 100 Scarsdale Road Don Mills  
Street Address Apt/Suite/Unit# City/Town  
Ontario M3B 2R8  
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

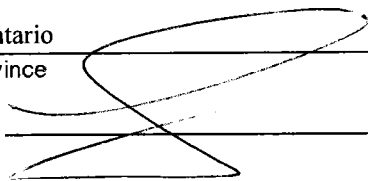
Professional Title: Solicitor

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: 9/5/11

**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. 544-2011

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)

Please see attached letter dated March 22, 2011.

**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.**

[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:

(Please print)

PL101111 – Appeal #11

**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.**


**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.**

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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

March 22, 2011

BY EMAIL

Our File No. 106498

Chair and Members of the Planning & Growth Management Committee  
Toronto City Hall  
100 Queen Street West  
10<sup>th</sup> Floor, West Tower  
Toronto, Ontario  
M5H 2N2

Attention: City Clerk, Merle MacDonald, Administrator

Dear Ms. MacDonald:

**Re: Planning and Growth Management Committee  
Statutory Public Meeting March 24, 2011  
Item PG2.5  
Proposed Amendments to City of Toronto Zoning By-law No. 1156-2010  
10 Huntley Street**

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We act on behalf of Glen-Huntley Holdings Limited and APS Holdings 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 client's concerns with respect to how the City's new zoning by-law would impact their lands. Our client's concerns were not addressed prior to the enactment of By-law No. 1156-2010 and, accordingly, our client appealed Council's decision to enact By-law No. 1156-2010. [Appeal #11]

We are in receipt of and have reviewed the Notice of Public Meeting respecting the proposed amendments to Zoning By-law 1156-2010.

The Staff Report and Draft Amendments to By-law 1156-2010 posted on the City's website March 17, 2011, contain hundreds of separate amendments to the parent by-law which are not only administrative but include material changes to the regulations as enacted and currently under appeal. Insufficient time has been provided for a proper public review of this significant undertaking.

Based on our preliminary review of the Draft Amendments there are no proposed amendments to recognize the development potential of our client's property as per our previous submissions to Council. We are still discerning the manner in which numerous

March 22, 2011  
Page 2

technical and material change amendments to Zoning By-law 1156-2010 further aggravate our objections to the R 2.0 Zoning proposed for this property. Our client reserves its right to make such further and other grounds at the hearing of the owner's appeal.

We therefore object to the amendments which fail to respond to our client's various submissions on By-law 1156-2010.

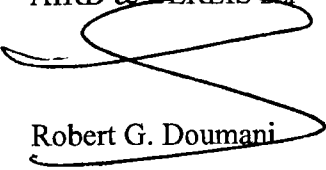
Please accept this letter as our written submission pursuant to Section 34(19)(2) of the *Planning Act*.

We are hereby requesting notice of enactment of any amending by-law passed in respect of this matter.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Robert G. Doumani

RGD/bna/eb

c. Avrom Salz

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