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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. 54182

Clerk  
Toronto City Hall  
100 Queen Street West  
10<sup>th</sup> Floor, West Tower  
Toronto, Ontario  
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;**

**310 and 320 Tweedsmuir Avenue**

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We act on behalf of Morguard Residential Inc. and Laurie Investments (Toronto) 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 # 567]

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to the Minister of Finance in the amount of \$125.00 per appeal will follow once we determine whether City Council has repealed By-law 1156-2010.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. Doumani  
RGD/bna/eb  
Encls.

c. B. Athey

9270165.1



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

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)

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(Please print)  
OMB Case No. PL990391  
OMB Case No. PL101111- Appeal #567





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 FAX: (416) 326-5370  
 www.elto.gov.on.ca

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 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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Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
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	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
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	<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)
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**Part 2: Location Information**

310 and 320 Tweedsmuir Avenue

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: \_\_\_\_\_

Morguard Residential Inc. and Laurie Investments (Toronto) Limited

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

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

E-mail Address: BAthey@morguard.com

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

Daytime Telephone #: 905.281.5349 Alternate Telephone #: \_\_\_\_\_

Fax #: 905.281.1800

Mailing Address: 55 City Centre Drive Suite 800 Mississauga  
Street Address Apt/Suite/Unit# City/Town

Ontario LSB 1M3  
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Signature of Appellant: \_\_\_\_\_ Date: \_\_\_\_\_

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Company Name: Aird & Berlis LLP

Professional Title: Solicitor

E-mail Address: rdoumani@airdberlis.com

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Street Address Apt/Suite/Unit# City/Town

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Signature of Appellant: \_\_\_\_\_ Date: 9/5/11

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Please see covering letter and attached letter dated March 22, 2011.

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(Please print)

OMB Case No. PL990391  
OMB Case No. PL101111- Appeal #567





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 www.elto.gov.on.ca

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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. 54182

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  
310 and 320 Tweedsmuir Avenue**

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We act on behalf of Morguard Residential Inc. and Laurie Investments (Toronto) 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 #567]

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

Proposed Amendment #7 attached to the March 15, 2011 Staff Report sets out a listing of various site-specific properties which are to be identified as "Not Part of This By-law". The amending document fails to correct the various Map Schedules 50K-11 which continue to include 320 Tweedsmuir Avenue as RA(d2.5)(x732) rather than as "Not Part of This By-law" which is the status of the adjoining property at 310 Tweedsmuir Avenue. Further the amending documents fail to note that Article 950.70.1 continues to list both the property at 310 and 320 Tweedsmuir as subject to prevailing by-law 533-2010 whereas 310 Tweedsmuir already is "Not Part of This By-law" yet cited in this regulation.

As noted in our previous submissions, By-law 533-2010 treats both properties as one lot for the purposes of zoning.

Our client's lands at 320 Tweedsmuir should qualify under the City's Transitional Protocol in the same manner as the property at 310 Tweedsmuir has qualified and it should have been included within the list of Amendment #7 corrections as "Not Part of This By-law". We are requesting the Committee modify the Draft Amendment #7 and any other related amendments to make this correction.

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

The Staff Report and Draft Amendments to By-law 1156-2010 posted on the City's website on 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. Our client reserved its right to make such further and other grounds at the hearing of the owner's appeal.

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

cc B. Athey

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