
AIRD & BERLIS LLP

Barristers and Solicitors

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

May 9, 2011

BY EMAIL

Our File No. 106565

Clerk
City Toronto 100 Queen Street West
10th 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;

3875 Keele Street

We act on behalf of Brovi Investments Limited in respect of 3875 Keele Street.

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 # 210]

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 client 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.

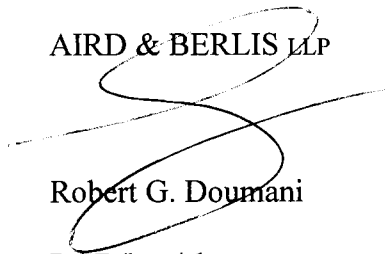
Our client reserves its right to raise such further and other grounds at any hearing of their appeal.

May 9, 2011
Page 2

In support of our client's 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to the Minister of Finance in the amount of \$125.00 per appeal will follow once we determine whether City Council has repealed By-law 1156-2010.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. M. Winter
R. Guetter

9279400.1



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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**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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Part 2: Location Information

3875 Keele Street

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: _____

Brovi Investments Limited

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

Professional Title (if applicable): _____

E-mail Address: mwinter@urban-mechanical.com

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

Daytime Telephone #: 416-240-8830 Alternate Telephone #: _____

Fax #: _____

Mailing Address: <u>254 Attwell Drive</u>	_____	<u>Etobicoke</u>
Street Address	Apt/Suite/Unit#	City/Town
<u>Ontario</u>	_____	<u>M9W 5B2</u>
Province	Country (if not Canada)	Postal Code

Signature of Appellant: _____ Date: _____
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I hereby authorize the named company and/or individual(s) to represent me:

First Name: Robert Last Name: Doumani

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Professional Title: Solicitor

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Please choose preferred language: English French

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(Please print)

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

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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)

PL101111 – Appeal #210



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PL101111 – Appeal #210



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PL101111 – Appeal #210



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PL101111 – Appeal #210

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.**
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 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)

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3875 Keele Street

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

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First Name: _____ Last Name: _____

Brovi Investments Limited

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

Professional Title (if applicable): _____

E-mail Address: mwinter@urban-mechanical.com

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E-mail Address: rdoumani@airdberlis.com

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[Empty box for explanatory note]

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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 #210

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

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PL101111 – Appeal #210



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PL101111 – Appeal #210



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PL101111 – Appeal #210

AIRD & BERLIS LLP

Barristers and Solicitors

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

March 22, 2011

BY EMAIL

Our File No. 106565

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

Attention: City Clerk, Merle MacDonald, Administrator

Dear Sirs/Mesdames:

**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
3875 Keele Street**

We act on behalf of Brovi 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 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 #210]

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 48P-21 which continue to include the easterly portion of this lot as E1.0 rather than as "Not Part of This By-law" which is the status of the balance of the single property described as 3875 Keele Street. The effect is not only split zoning, but different general zoning regulations for two parts of one property.

Our client's lands on the Toro Road frontage should qualify in the same manner as the balance of the lot with frontage on Keele Street which is identified as "Not Part of This By-law".

We are requesting that the Committee modify Draft Amendment #7 and any other related amendments to make this correction.

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. In particular we have raised objections and concerns with specific provisions such as:

- (a) 60.5.1.10(3) – Calculation of Gross Floor Area for Manufacturing Use
- (b) 60.5.80.1 (1) – Calculation of Parking for Manufacturing Use
- (c) 60.5.80.10 – Parking in Yards – which is materially amended by Amendment #4 - Item 1(BW)
- (d) 60.20.20.10(1) – Principle Use Permissions – which has technical amendments in Amendment # 3 – Item 1(DA)
- (e) 60.20.20.20(1) – Principle Use Conditional Permissions
- (f) 60.20.20.100 – Use Conditions
- (g) 60.20.40.10 – Height (Office Buildings) and
- (h) 60.20.50.10 – Landscaping Requirements

We have noted the error in Amendment #3 – Item 1(CW) which juxtaposes the symbols for E and EL as to be set out in Article 60.5.1.10 (2) which further aggravates our concerns since this is not the only error in the amending documents which we have identified.

We have also noted and have concerns with Amendment #5 Item 1(BE) which adds Section 60.20.40.40 Floor Area stating " (1) in the E Zone the numerical value following the zone symbol, as shown on the Zoning By-law Map, is the maximum permitted **floor space index** for the lot." The lot under the split zoning between two comprehensive zoning by-laws is defined in the same manner as a parcel of land which can be conveyed, but the administration and distribution of density on the single parcel of conveyable land is fragmented by the two comprehensive zoning by-laws.



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

Our client reserves its right to make such further and other grounds at the hearing of the owner's appeal.

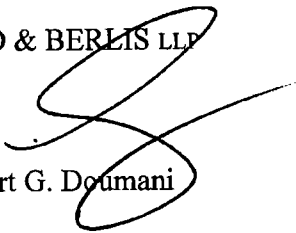
Please accept this letter as our written submission pursuant to Section 34(19)(2) of the *Planning Act*.

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

c. M. Winter
R. Guetter

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