

# AIRD & BERLIS LLP

Barristers and Solicitors

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

May 9, 2011

Our File No. 63662

VIA EMAIL

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

Attention: Ms. Merle MacDonald, Administrator, Chairman and Members,  
Planning and 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*;**

**160 Greenfield Avenue, 150 and 163 Maplehurst Avenue and 120 and 166 Sheppard Avenue East**

We represent Kenneth-Sheppard Limited in respect of its property interest at 160 Greenfield Avenue, 150 and 163 Maplehurst Avenue and 120 and 166 Sheppard Avenue East.

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 # 89]

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.

May 9, 2011

Page 2

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

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to the Minister of Finance in the amount of \$125.00 per appeal will follow once we determine whether City Council has repealed By-law 1156-2010.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

RGD/eb

Encls.

c: Mr. Scott M. Zavaros, Kenneth-Sheppard Limited  
Mr. Paul J. Stagl, MCIP, RPP, Opus Management Inc.

9278136.1



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**Ontario Municipal Board**  
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**APPELLANT FORM (A1)  
 PLANNING ACT**

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

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Receipt Number (OMB Office Use Only)

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Please see attached letter dated March 22, 2011.

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Professional Title: Solicitor

E-mail Address: rdoumani@airdberlis.com

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(Please print)

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**APPELLANT FORM (A1)  
 PLANNING ACT**

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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)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<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**

160 Greenfield Avenue, 150 & 163 Maplehurst Avenue and 120 & 166 Sheppard Avenue East

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: \_\_\_\_\_

Kenneth-Sheppard Limited

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

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

E-mail Address: szavaros@metrontario.com

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

Daytime Telephone #: (416) 785-6000 x237 Alternate Telephone #: \_\_\_\_\_

Fax #: (416) 785-7000

Mailing Address: One Yorkdale Road Suite 601 Toronto  
Street Address Apt/Suite/Unit# City/TownOntario M6A 3A1  
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 &amp; 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/TownOntario 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)

OMB File Nos. PL990139, PL990621, PL001235, PL030412, PL101111- Appeal #89

**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.**

# AIRD & BERLIS LLP

Barristers and Solicitors

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

March 22, 2011

Our file no. 63662

BY EMAIL

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

Attention: Ms. Merle MacDonald, Committee Administrator  
City Clerk's Department

Dear Sirs/Mesdames:

**Re: Planning and Growth Management Committee  
Agenda Item PG2.5 – March 24, 2011  
Statutory Public Meeting – Amendments to Zoning By-law 1156-2010**

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We represent Kenneth-Sheppard Limited in respect of its property interest at 160 Greenfield Avenue, 150 and 163 Maplehurst Avenue and 120 and 166 Sheppard Avenue East (the "Site").

You will recall that the above-noted site has development approval for which construction has not yet commenced and for which not all building permits have yet been issued. We anticipate that all phases of building permits and construction will bridge the transition period of the City's new By-law.

You will also recall that, on behalf of our client, we appealed By-law 1156-2010 (Appeal No. 89).

We understand that your Committee will be considering the above-noted item at a Statutory Public Meeting on March 24, 2011 and we take this opportunity to submit our client's comments for your consideration.

## **Prescribed Information and Material Available to the Public**

We understand that the relevant published information available to the public for purposes of understanding the proposed By-law amendments includes:

- available on March 3, 2011: Statutory Notice of Public Meeting to be held on March 24, 2011; and

March 22, 2011

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- available on March 17, 2011 (as posted on the Planning and Growth Management Committee's Agenda website): Staff Report dated March 15, 2011 (177 pages), entitled "Amendments to Zoning By-law 1156-2010", recommending approximately 1,742 changes to By-law 1156-2010, including various corrections, additions, deletions, substitutions, revisions, new regulations and mapping changes.

### Comments

For purposes of this statutory submission, we have taken the information that is available as of the date of this submission, as best as can be assessed given the available time and the manner in which the changes are proposed.

None of the proposed by-law changes adequately or appropriately address the concerns our client previously identified to your Committee. While the nature of the changes are styled as housekeeping corrections, the proposed changes also include new, substituted or revised regulations. A number of new regulations, replacements, deletions and replacements are proposed without benefit of supporting discussion, clarification or public consultation. The amendments have been structured into 10 separate amending by-laws, however related revisions and corrections can be found in separate by-laws.

### Summary

For the above reasons, our client objects to the proposed amendments. We bring these concerns to your attention at this time.

We also request the Clerk provide us with Notice of any subsequent considerations or decisions of the related Zoning By-law.

Should you have any questions, please contact the undersigned or our client's planning consultant, Mr. Paul Stagl (416-784-2952).

Yours truly,

~~AIRD & BERLIS LLP~~

Robert G. Doumani

RGD/eb

- c. Scott M. Zavaros, Kenneth-Sheppard Limited  
Paul J. Stagl, MCIP, RPP, Opus Management Inc.

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