
AIRD & BERLIS LLP

Barristers and Solicitors

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May 9, 2011

BY EMAIL

Our File No. 77894

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 Ms. MacDonald:

**Re: Planning and Growth Management Committee
Statutory Public Meeting May 10, 2011
Proposed Repeal of City of Toronto Zoning By-law No. 1156-2010**

140 Carlton Street

We act on behalf of W.J. Holdings Limited and other related corporations 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 #207]

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

There are numerous problems with the manner in which the City's proposed harmonized Zoning By-law is structured. In particular there are issues of conformity with the official plan, legal non-conforming uses, errors in respect of existing approvals and development rights, conflicts, new regulations and transition problems. For the above reasons, our client does not support By-law 1156-2010 or the amendments that have recently been enacted.

In that latter regard we attach a copy of our letter appealing all eight amending by-laws on behalf of our client.

We suggest the fact that initially ten, lengthy amending by-laws were proposed demonstrates the breadth and depth of the problems with By-law 1156-2010. Moreover, we note that staff could not complete finalizing part of one of the proposed amending by-laws and the whole of two of them further demonstrates that By-law 1156-2010 suffers from intractable complexity.

A decision to continue forward with By-law 1156-2010 as amended will mean that the City will face lengthy and costly appeal proceedings at the Ontario Municipal Board.

Finally, the existence of two sets of zoning by-laws (the in force zoning and By-law 1156-2010) on a property will increase the time and cost of development and redevelopment in the City.

Our client continues to support a comprehensive and consistent approach to enacting a new citywide Zoning By-law that is in full conformity with the Official Plan.

However, **our client supports the repeal of By-law 1156-2010** to enable an appropriate opportunity to consider produce a manageable and comprehensible zoning by-law.

In that regard we note that this Committee voted unanimously to repeal By-law 1156-2010 on March 24. Our client supports that decision. Nothing has occurred in the interval that would support a reversal by this Committee of its unanimous decision. Indeed, as noted above, the length, complexity, further problems with and appeals of the amending by-laws are confirmation that the Committee's decision was in the best interests of the City and should be maintained.

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
Encl.

c. P. Fryers

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AIRD & BERLIS LLP

Barristers and Solicitors

Robert G. Doumani
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May 6, 2011

BY EMAIL

Our File No. 77894

City Clerk
Toronto City Hall
100 Queen Street West
10th 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;

140 Carlton Street

We act on behalf of W.J. Holdings Limited and other related corporations 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 # 207]

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.

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

May 6, 2011
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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 determined 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

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SCHEDULE 1

1. 1731, 1735 & 1739 Victoria Park Avenue
2. 22 Oakmount Road
3. 125 Neptune Drive
4. 2550-2560 Kingston Road
5. 10 Grenoble Drive
6. 7 St. Dennis Street
7. 140 Carlton Street*

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