

Sent By Email

May 9, 2011

City Clerk
Attention: Merle Macdonald
Administrator, Planning and Growth Management Committee
Toronto City Hall
100 Queen St. West
10th Floor, West Tower
Toronto, Ontario
M5H 2N2

Dear Sirs/Mesdames:

**City of Toronto Comprehensive Zoning By-law 1156-2010
Our File No. 081501**

I am writing to support the proposed repeal of the City's new Comprehensive Zoning By-law 1156-2010 (the "new Zoning By-law").

As an appellant of the City's new Zoning By-law given its potential impact on my family's residence at 32 Glenellen Drive East, Etobicoke, I request that the Planning and Growth Management Committee (together with City Council) take into account the following factors in making its decision:

- (a) The City of Toronto is composed of a city of neighbourhoods. In creating this one size fit all new Zoning By-law, City planners have neglected to consider the diversity and different standards that those neighbourhoods have developed under;
- (b) The new Zoning By-law is creating a labyrinth that will result in numerous applications to the City's Committee of Adjustment. Rather than simplifying the administration of the zoning in the City, the new Zoning By-law complicates that process. More red tape should be avoided rather than created;
- (c) The existing by-law in my neighbourhood of Sunnylea has provided appropriate guidance for this neighbourhood for approximately 50 years;
- (d) The City has failed to comply with the procedural requirements under the *Planning Act* in processing, considering and passing its new Zoning By-law and therefore the new Zoning By-law is open to challenge at the Ontario Municipal Board on jurisdictional grounds alone;

- (e) The continued discourse on the new Zoning By-law amply demonstrates that the new Zoning By-law cannot be justified before the Ontario Municipal Board;
- (f) In my respectful view, the City has the authority to repeal the new Zoning By-law. I reference *Cadillac Fairview Development Corp v. Toronto (City)* 1974 1 OR (2d) 20 (Ont. High Court) where the Court stated at paragraph 38 as follows:

“Indeed, in these circumstances, the by-law at this stage is inchoate requiring another act, the approval of the Board, to give it the force of law. It is at this stage an expression of legislative intent only. I do not consider that the provisions to which I have been referred preclude the Council, in its judgment as representatives of the electorate, from unilaterally undoing what it has previously done and by repealing it, withdrawing the incipient by-law from the Ontario Municipal Board as being a policy that the Council is no longer prepared to support. To hold otherwise would place in the hands of the Ontario Municipal Board a control over the legislative process beyond that intended by the Legislature of the Province.”

In my view, the same holds equally true for the proposed repeal of the City’s new Zoning By-law.

I respectfully request that the Committee recommend that City Council repeal the new Zoning By-law and that City Council so repeal the new Zoning By-law. I request that I be provided with notice of the passing of the repeal of the new Zoning By-law.

Yours very truly,



Jeffrey J. Wilker

cc: Mayor Ford
cc: Peter Milczyn, Committee Chair