



McCarthy Tétrault LLP
Box 48, Suite 5300
Toronto Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

Christopher J. Tanzola
Direct Line: 416-601-7855
Direct Fax: 416-868-0673
Email: ctanzola@mccarthy.ca

May 10, 2011

Mayor Rob Ford and Members of Council

City of Toronto
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: Merle MacDonald
Administrator, Planning and Growth Management
Committee, 10th Floor, Toronto City Hall
sent via email: pgmc@toronto.ca

Dear Sirs/Mesdames:

Re: PG4.1 Public Meeting - Repeal of Zoning By-Law 1156-2010

On behalf of the persons and entities listed in the attached Schedule "A", we re-submit our letter of March 23, 2011 to this Committee for its review and consideration at the May 10th Public Meeting for PG4.1 Repeal of Zoning By-law 1156-2010 ("New By-law"). As expressed in the attached letter, our clients maintain significant concerns with respect to the New By-law. These concerns are heightened with the added procedural, substantive and interpretative problems that arise from the most recent amendments to the New By-law while it remains under appeal. We firmly support the repeal of By-law 1156-2010, along with the repeal of City of Toronto By-laws 537-2011, 538-2011, 539-2011, 540-2011, 541-2011, 542-2011, 543-2011 and 544-2011, and all other amendments to the New By-law.

Please feel free to contact the undersigned should you have any questions or require further information.

Yours very truly,

McCarthy Tétrault LLP

Per:

Christopher J. Tanzola

CJT/csb

Schedule "A"

1098748 Ontario Limited	James Cooper Mansion Inc.	180 University Holdings Inc.
1660866 Ontario Inc.	Residents of Avonshire Inc.	1332904 Ontario Limited
2144559 Ontario Inc.	Metrogate Inc.	2046478 Ontario Limited
Artenosi, Daniel	1695877 Ontario Limited	Alterra-Finer (Post House) Ltd.
Campus Co-operative Residence Incorporated	Kah Keng Chong	Max Klaczkowski
Canadian Broadcasting Corporation	MintoUrban Communities Inc.	Simcoe Nelson Property Inc.
Pier 27 Toronto Inc.	Minto 201 Lonsdale Developments Inc.	Sterling Studio Lofts Inc.
Pier 27 Toronto (North) Inc.	Minto 2 St. Thomas Developments Inc.	Sussexwest Developments Inc.
Pier 27 Toronto (West) Inc.	Minto 755 King Inc.	Woodbine Entertainment Group
Scott & Esplanade Residences Inc.	N. M. Davis Corporation Limited	Woodbine Live GP Inc.
Clairtrell Developments Inc.	Plazacorp Investments Limited	GE Canada Real Estate Holding Company
Concert Real Estate Corporation	Richmond Peter Inc.	1254115 Ontario Inc.
Church Street Residential Inc.	Scarborough Hospital (The)	Veisil Group Inc.
Windermere by the Lake – Lakeview Towers Inc.	Orchard Ridge (Heathview) G.P. Inc.	Tofni Developments Inc.
25 Merton Street Inc.	NHD Developments Limited	330 Spadina Road Inc.
Quad (King & Brant) Inc.	Discount Plaza Limited	336 Spadina Road Inc.
Deltera Inc.	St. Michael's Hospital	2062 Weston Road Holdings Ltd.
300 Front Street Inc.	Trustees of Bedford Park United Church (The)	2114778 Ontario Inc.
Hullmark Centre Inc.	Woodgreen Community Housing Inc.	Art Gallery of Ontario
Reve Condos Inc.	Woodgreen Settlement Corporation	Bridgepoint Health
Huntington 1990 Bayview Inc.	Cresford Capital Corporation	Bridgepoint Hospital
Nuvo at Essex Inc.	Diamond Corp.	Centre for Addiction and Mental Health
	2095891 Ontario Inc.	

Dell Park Co-operative Housing
Development Corporation

Hyde Park GP Inc.

Linway Developments Ltd.

Credit Meadow Holdings Inc.

870769 Ontario Limited

Lipa Green Centres for Jewish
Community Services and Sherman
Campus

Maple Leaf Sports and Entertainment
Ltd.

Mattamy Development Corporation Re:
Staines

Mattamy (Lawrence) Limited

Monarch Corporation

Park Property Management Inc.

Primaris Retail REIT

Rattling Chain Investments Inc.

Riva Glade Holdings Inc.

Rogers Communications Inc.

Samper Developments Limited

Silvercore Inc.

St. Clare's Multifamily Housing Society

Talon International Inc.

Tribute (Bayview) Limited

White Bell Investments Limited

Yorkdale Ford Lincoln Sales Limited



McCarthy Tétrault LLP
Box 48, Suite 5300
Toronto Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

Christopher J. Tanzola
Direct Line: 416-601-7855
Direct Fax: 416-868-0673
Email: ctanzola@mccarthy.ca

March 23, 2011

Mayor Rob Ford and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: City Clerk

Attention: Merle MacDonald, Administrator, Planning and Growth Management Committee

Your Worship and Members of Council:

Re: Item PG2.5 – Amendments to Zoning By-law 1156-2010

We are the solicitors for the persons and entities listed in the attached Schedule "A".

On behalf of our clients, in September 2010, we filed numerous appeals to the City of Toronto's proposed comprehensive Zoning By-law No. 1156-2010 (the "**New ZBL**"). These appeals, along with hundreds of others filed by parties across the City, have not yet been adjudicated by the Ontario Municipal Board. In fact, no hearing events have been convened in the six (6) months since the appeal deadline, despite a request by the Ontario Municipal Board to the City to proceed with a prehearing.

In the meantime (and despite the comments from City staff in the companion report in Item PG2.6 regarding transitional issues suggesting the contrary), important matters of zoning, minor variances, and building permit and plan review have been left without either resolution or even a clear programme to seek resolution.

Despite the outstanding matters before the Ontario Municipal Board and zoning confusion across the City, City staff is now proposing to have City Council approve an additional ten (10) omnibus zoning by-laws in order to amend the New ZBL (the "**Amendments**"). Details of these amendments were only very recently made available in a 180 page staff report released on March 17, 2011 (the "**Staff Report**").

In order to understand the implications of the recommendations in the Staff Report, it is important to recall that the New ZBL is still subject to appeal and therefore revision by the Ontario Municipal Board. Proceeding with amendments to the New ZBL in this circumstance means that no one can advise with any certainty what the effects of these amendments will be. This applies both to the Amendments recommended in the Staff Report and any other amendments, site-specific or otherwise, as have been or as may be considered by Council. Thus, there is no way for any

interested party to know whether an amendment will put it at risk during the transitional period before the New ZBL comes into force. The Staff Report, with all due respect, does not adequately explain the intended specific effects of the Amendments, nor does it deal with the difficulties created by proceeding with zoning by-law amendments during the transition period before the New ZBL is finally approved.

We are writing to express our clients' disagreement with the course of action that is being proposed by City staff and recommended to the Planning and Growth Management Committee and City Council. We note the following:

- More than six (6) months after its enactment by the City, the New ZBL is still not available in its interactive, online format – this was supposed to have been one of the premier benefits of a consolidated zoning by-law, as urged by City staff.
- The 180 pages of Amendments have again been released at the last minute and without the benefit of a blackline version, making review and comprehension of the nature and impact of the proposed changes extremely difficult, if not impossible.
- The Amendments as currently proposed will not add clarity to the New ZBL. Rather, they will almost certainly add to the list of appeals outstanding at the Ontario Municipal Board as appellants and landowners are left to struggle with the effect of these changes on existing appeals and on substantive zoning rights.
- In that regard, we note that there are substantive zoning changes proposed among the Amendments, both on specific properties and on a City-wide basis (such as changes to the requirements for bicycle parking spaces and access to certain types of loading facilities).
- As noted above, we are concerned about the legal effect of making changes to a document which is still subject to appeal and revision by the Ontario Municipal Board. At a minimum, appeals of the Amendments will likely be required in order to obtain clear guidance in this regard.
- Many of the Amendments are framed as additions or changes to the provisions of Chapters 900, 950, and 955. However, in many instances, these changes are presented without any clear references to the municipal addresses that they affect.
- As with the previous Public Meeting on the New ZBL in August 2010, we are concerned with the quality and timeliness of the information that has been presented to the public and the need for an adequate and reasonable period to review a consolidated, complete document in order to meet the intent and the spirit of the *Planning Act*.

We recommend that the Planning and Growth Management Committee refuse to adopt the recommendations set out in the Staff Report.

It is patent that it is important to fix mistakes and otherwise seek to resolve, where possible, the outstanding substantive issues with the New ZBL. We submit that it is also critically important to pursue the foregoing within a procedural framework that is efficient and does not of itself create the potential for prejudice to any interested party.

In our view, the preferred course of action at this stage is repeal of the New ZBL, given the history of this matter and the inevitable confusion and legal quagmire that will result from enactment of the Amendments while the New ZBL remains under appeal at the Ontario Municipal Board. This will provide the opportunity to fix many of the numerous acknowledged mistakes, which will shorten the transitional period, and also to put in place a framework where neither City nor private interests are prejudiced in the transitional period.

Short of repeal, the Planning and Growth Management Committee should recommend to City Council that the New ZBL be suspended in its operation until such time there has been meaningful period of review and discussion between affected individuals and City staff. A revised, consolidated version of the New ZBL incorporating the Amendments should be made available (and easily accessible) with proper public notice, so that there can be reasoned public discussion and debate on the New ZBL (as proposed to be modified), including the transitional and procedural issues that remain at that time.

In summary, approval of the Amendments in the form presented in the Staff Reports is almost certain to result in many additional appeals to the Ontario Municipal Board which will further compound the problems that many appellants have previously identified with the New ZBL. The result will be an exponentially more inefficient and costly hearing process.

We hereby request to be provided with notice of any further consideration of this matter by the Planning and Growth Management Committee (or any other committee) and City Council.

Yours very truly,

McCarthy Tétrault LLP

Per:



Christopher J. Tanzola

CJT/

Schedule "A"

1098748 Ontario Limited	James Cooper Mansion Inc.	180 University Holdings Inc.
1660866 Ontario Inc.	Residents of Avonshire Inc.	1332904 Ontario Limited
2144559 Ontario Inc.	Metrogate Inc.	2046478 Ontario Limited
Artenosi, Daniel	1695877 Ontario Limited	Alterra-Finer (Post House) Ltd.
Campus Co-operative Residence Incorporated	Kah Keng Chong	Max Klaczkowski
Canadian Broadcasting Corporation	Minto Urban Communities Inc.	Simcoe Nelson Property Inc.
Pier 27 Toronto Inc.	Minto 201 Lonsdale Developments Inc.	Sterling Studio Lofts Inc.
Pier 27 Toronto (North) Inc.	Minto 2 St. Thomas Developments Inc.	Sussexwest Developments Inc.
Pier 27 Toronto (West) Inc.	Minto 755 King Inc.	Woodbine Entertainment Group
Scott & Esplanade Residences Inc.	N. M. Davis Corporation Limited	Woodbine Live GP Inc.
Clairtrell Developments Inc.	Plazacorp Investments Limited	GE Canada Real Estate Holding Company
Concert Real Estate Corporation	Richmond Peter Inc.	1254115 Ontario Inc.
Church Street Residential Inc.	Scarborough Hospital (The)	Veisil Group Inc.
Windermere by the Lake – Lakeview Towers Inc.	Orchard Ridge (Heathview) G.P. Inc.	Tofni Developments Inc.
25 Merton Street Inc.	NHD Developments Limited	330 Spadina Road Inc.
Quad (King & Brant) Inc.	Discount Plaza Limited	336 Spadina Road Inc.
Deltera Inc.	St. Michael's Hospital	2062 Weston Road Holdings Ltd.
300 Front Street Inc.	Trustees of Bedford Park United Church (The)	2114778 Ontario Inc.
Hullmark Centre Inc.	Woodgreen Community Housing Inc.	Art Gallery of Ontario
Reve Condos Inc.	Woodgreen Settlement Corporation	Bridgepoint Health
Huntington 1990 Bayview Inc.	Cresford Capital Corporation	Bridgepoint Hospital
Nuvo at Essex Inc.	Diamond Corp.	Centre for Addiction and Mental Health
	2095891 Ontario Inc.	

Dell Park Co-operative Housing
Development Corporation

Hyde Park GP Inc.

Linway Developments Ltd.

Credit Meadow Holdings Inc.

870769 Ontario Limited

Lipa Green Centres for Jewish
Community Services and Sherman
Campus

Maple Leaf Sports and Entertainment
Ltd.

Mattamy Development Corporation Re:
Staines

Mattamy (Lawrence) Limited

Monarch Corporation

Park Property Management Inc.

Primaris Retail REIT

Rattling Chain Investments Inc.

Riva Glade Holdings Inc.

Rogers Communications Inc.

Samper Developments Limited

Silvercore Inc.

St. Clare's Multifaith Housing Society

Talon International Inc.

Tribute (Bayview) Limited

White Bell Investments Limited

Yorkdale Ford Lincoln Sales Limited