

Reply to the Attention of Mary Flynn-Guglietti
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Our File No. 201277
Date May 10, 2011

URGENT

Sent Via E-mail to pgmc@toronto.ca

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

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

Dear Chair Milczyn and Members of the Planning and Growth Management Committee:

**Re: Planning and Growth Management Committee
Agenda Item PG4.1 – May 10, 2011Z
Statutory Public Meeting – Repeal of Zoning By-law 1156-2010**

We represent 2145738 Ontario Limited, in connection with concerns regarding the harmonized zoning by-law 1156-2010.

Our client is the property owner of the development known as Junction Triangle Lofts at 229 Wallace Avenue in the City of Toronto.

Our client purchased the former lumber yard at 229 Wallace Avenue in October of 2007. At the time of the purchase the property was designated Employment Lands and zoned I2D2/ Light Industrial pursuant to zoning by-law 438-86 as amended. They met with local Planning staff and applied for a preliminary project review (“PPR”) in November of 2007 to permit a 10 unit complex consisting of uses permitted under the light industrial zoning and artist workshops on the second floor for each unit. The PPR confirmed that no variances were required. Planning staff was very much in support of my client’s proposal.

Our client then proceeded to file for site plan approval which was granted in March of 2010 and a building permit followed. They designed the site and the unit features specifically for uses under I2D2.

The construction of the site was completed in November of 2010. Their team had sold a few units prior to construction but 70% of the units remain unsold to this day. Of the units pre-sold they understand that after construction the individual unit owners applied for PPR's for internal building permits. Each of the unit owners were informed that the Buildings Department must apply both the old and new by-law standards simultaneously and if a use is not permitted in one of the by-laws it cannot be permitted. This has had a devastating effect on the purchasers and has also resulted in the loss of a number of potential purchasers.

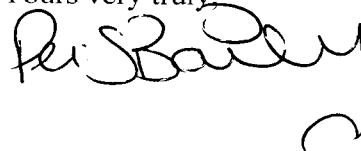
Our client met with the local Councillor along with the zoning by law team in planning, senior City legal staff and the local Planner this past January. They were all sympathetic to the situation, though they submitted they don't have the authority to make an exception to our case.

Our client completely complied with the I2D2 zoning in its appropriate time to the letter of the law without a single variance and with the support of Planning staff, however from the time the new by law took effect last August we have had numerous problems with proposed purchasers and tenants as the by-law uses, parking etc. changed significantly resulting with undue hardship.

The harmonized zoning by-law has resulted in a great deal of confusion for myself, potential purchasers and tenants of a building built totally in compliance with the then in force zoning by-law. We respectfully request the Committee and Council repeal the by-law.

Should you have any questions, please do not hesitate to contact me.

Yours very truly



Mary Flynn-Guglietti

/sb

c.c. Ashley Ross (via e-mail)