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September 29, 2010

By Courier

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

Attention: Ms. Merle MacDonald, Committee Administrator

Dear Ms. MacDonald:

**Re: Notice of Appeal to the Ontario Municipal Board
City of Toronto Zoning By-law 1156-2010
Gordian Foods Limited (Steven Mastoras)
995-1001 Broadview Avenue & 1003-1005 Broadview Avenue,
City of Toronto**

We are counsel to Gordian Foods Limited, the owner of properties municipally known as 995-1001 Broadview Avenue ("995-1001 Broadview") and the beneficial owner of properties municipally known as 1003-1005 Broadview Avenue ("1003-1005 Broadview") (collectively referred to as "the Properties").

We note that Gordian Foods Limited is also a beneficial owner of a property municipally known as 2 Mortimer Avenue, which is immediately to the east of the 995-1001 Broadview properties.

Steven Mastoras, the Secretary of Gordian Foods Limited, made a written submission to the City on August 24, 2010, in which he outlined his concerns in respect of the new City of Toronto Zoning By-law 1156-2010 ("By-law 1156-2010"), as it relates to the Properties.

Specifically, our client objects to the proposed zoning of the Properties, including more restrictive development standards and definitions as well as the elimination or limitation of various permitted uses in the proposed CR (Commercial Residential) Zone as compared to the current zoning applicable to the Properties.

Accordingly, Gordian Foods Limited hereby appeals By-law 1156-2010, as it applies to the Properties, to the Ontario Municipal Board (the "Board"), pursuant to subsection 34(19) of the *Planning Act*. The reasons for this appeal include the following:

1. The more inclusive definition of "gross floor area" within By-law 1156-2010 would effectively reduce the permitted density of useable, saleable and/or leasable space on the Properties.
2. The conflict provisions under Chapter 955 do not adequately clarify how Prevailing By-laws or exceptions are to be interpreted in relation to other provisions of By-law 1156-2010, including a situation where the Prevailing By-law is silent with respect to a matter that is regulated in By-law 1156-2010.
3. It is inappropriate to exclude as-of-right residential permissions on the 995-1001 Broadview properties, especially in light of the fact that residential uses would otherwise be permitted in the proposed CR zone.
4. Given the City's approval of a mixed-use high-rise development across the street from the Properties, an amendment to the height limit and use restrictions imposed on the Properties in the new By-law is desirable and appropriate for the potential development of the Properties as well as the broader area.
5. The proposed interior floor area restriction under section 40.10.20.100(1) on lots containing cabarets, eating establishments, take-out eating establishments, entertainment places of assembly, places of assembly and recreation uses is unduly restrictive and is not supported by any sound land use planning rationale.
6. The proposed separation distance requirement under section 40.10.20.100(50) for a rooftop patio from a Residential zone is unwarranted and without justification.
7. The proposed restrictions for porches, balconies and similar structures under section 40.10.40.60(1)(D), and specifically the requirement that they be located above three storeys, would have a significant negative impact on the existing use of the Properties.
8. The proposed size and locational restrictions on outdoor patios under section 40.10.20.100(50) are onerous and would have a significant negative impact on the existing use of the Properties.

9. Our client reserves its right to raise further and other grounds as are appropriate and the Board permits.

We appreciate that other parties will likely be filing appeals related to some of the same provisions and we are open to discussing how any common issues might be dealt with in advance of and at the hearing.

Enclosed with this notice of appeal is our firm cheque in the amount of \$125.00, payable to the Minister of Finance, representing the prescribed filing fee for this appeal, together with a completed OMB Appellant Form (A1).

We trust this is satisfactory. Please do not hesitate to contact us if you have any questions or require anything further.

Sincerely,

DAVIES HOWE PARTNERS

Nupur Kotecha

Encls. Firm Cheque
Appellant Form (A1)

Copy: Client