

Rick F. Coburn  
T (416) 367-6038  
F (416) 361-2437  
rcoburn@blg.com

Borden Ladner Gervais LLP  
Scotia Plaza, 40 King Street W  
Toronto, ON, Canada M5H 3Y4  
T 416.367.6000  
F 416.367.6749  
blg.com

**BLG**  
Borden Ladner Gervais

November 26, 2012

**Delivered by Email**

Mayor and Members of Council  
Toronto City Council  
12th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Your Worship and Members of Council:

**Re: Toronto City Council – November 27-28, 2012**  
**Item EY 20.8**  
**Zoning matters – 2319 Keele Street**

We represent the owners of 2319 Keele Street. Our client has been following the City's investigations of 2319 Keele for many months with growing frustration. We have attended several Community Council meetings where these matters have been addressed. We have made submissions in writing and through oral deputations.

Accompanying Item EY 20.8 are three reports from City Staff, which describe the exhaustive investigations of our client's property by City Staff. The most recent report dated October 18, 2012 re-confirms that the property is compliant with applicable site plan, zoning and business licensing requirements. Staff recommend that the report be received.

The Community Council considered the Staff report at its November 6, 2012 meeting. During the meeting, Councillor Di Giorgio brought forward a motion to amend the agenda item and replace it with a request for the City to approve applications for building permits from the owners of 2319 Keele Street, and to do so pursuant to a new site plan for the property to be submitted by the owners to Council.

After hearing our deputation and receiving the advice of City Staff present at the meeting, Chairman Grimes ruled that Councillor Di Giorgio's motion was out of order. He stated, per the minutes, that "neither the Community Council nor City Council can direct staff with respect to the issuance of building permits. That function is governed by the requirements in the *Building Code Act*, and Council does not have jurisdiction. In addition, there is presently no requirement for a site plan amendment at 2319 Keele Street."

In our opinion, Chairman Grimes was correct. Council has no authority to direct the Chief Building Official in her administration of the *Building Code Act*, and Council would be exceeding its jurisdiction if it attempted to do so. In addition, the issues raised by Councillor Di Giorgio's

motion are already addressed exhaustively in the various Staff reports included with the agenda item.

Our client and the City have expended significant resources responding to questions, conjectures and repeated requests for investigations regarding this property. The Staff reports speak for themselves. We respectfully request that Council receive the comprehensive October 18, 2012 Staff report, and that Council rule the motion out of order and bring an end to this matter.

We will be attending Council's meeting on November 27 and 28 to answer any questions.

Yours truly,  
**BORDEN LADNER GERVAIS LLP**



Rick F. Coburn

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cc: Marilyn Toft, Secretary, Toronto City Council  
Director, Investigations Services, Municipal Licensing and Standards, City of Toronto  
Deputy Chief Building Official, City of Toronto  
Director, Toronto Building - Etobicoke York District, City of Toronto  
City Solicitor, City of Toronto  
Deputy City Manager, City of Toronto