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November 2, 2012

**Delivered by Email**

Etobicoke York Community Council  
Etobicoke Civic Centre  
Main floor, 399 The West Mall  
Toronto, ON M9C 2Y2

Dear Chair and Members of Community Council:

**Re: Etobicoke York Community Council – November 6, 2012  
Item EY 20.8: Zoning Matters – 2319 Keele Street**

We represent the owners of 2319 Keele Street and 2321 Keele Street.

At the request of Councillor Di Giorgio at its meeting held on October 10, 2012, Community Council deferred consideration of a Staff report pertaining to our client's property at 2319 Keele Street. Council originally requested the report at its meeting on June 13, 2012, having received a letter dated June 5, 2012 from Councillor Di Giorgio alleging that the property did not conform with certain performance standards of the zoning by-law. The letter was delivered to Community Council without notice or a copy to our client. At the first deferral of the item on September 11, 2012, on motion by Councillor Di Giorgio, Council also directed that Staff submit a joint report on the compliance status of the neighbouring property at 2321 Keele. When both items were brought forward as directed by Council on October 10, 2012, with complete Staff reports, the Councillor made motions to re-separate and defer the two items. Consideration of the joint report respecting 2321 Keele Street has now been deferred until January 22, 2013.

The Staff report submitted at the October 10, 2012 Community Council meeting confirmed the compliant status of 2319 Keele following thorough inspections of the property carried out by Staff, and a detailed review of the decision history of the property by the Director, Investigation Services. Staff have now completed the additional investigations requested by Community Council. In their report dated October 18, 2012, Staff have re-confirmed that 2319 Keele Street and the businesses operating there are fully compliant with City requirements.

The use of City resources to conduct repeated investigations of our client's property in order to re-confirm that the property is compliant with the City's requirements is extraordinary. The interest served by these investigations and the expenditure of public resources is unclear. Certainly, any further deferral of Council's consideration of Staff's findings with regard to the property can serve no legitimate purpose, and is certainly not required in order to further Council's understanding of the status of the property.

Council should appreciate the effect of the repeated requests being made of senior officials of the City to conduct investigations of the property, and the impact that the requests and deferrals have already had upon our client's peace of mind (not to mention time and expense), plus the public's negative perception of the property. For example, we are advised that a prospective tenant of the property recently withdrew from lease negotiations due to the uncertainty created by Council's actions.

We respectfully submit once again that the above referenced Staff reports fully and completely address the compliant status of our client's property. There is no reasonable basis to request any further investigations of this property or 2321 Keele Street, or further defer this matter. Council should receive the reports and bring an end to this matter.

Yours truly,

**BORDEN LADNER GERVAIS LLP**



Rick F. Coburn

FFC/rw/pp

cc: Rosemary MacKenzie, Secretary, Etobicoke York Community Council, City of Toronto  
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