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Our File No: 28453/01

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March 26, 2013

**Via E-Mail and Facsimile**

City of Toronto  
City Clerk's Office  
13<sup>th</sup> Floor W., 100 Queen Street West  
Toronto, Ontario M5H 2N2

**Attention: Ulli S. Watkiss, City Clerk**

Dear Sirs/Mesdames:

Re: Draft City-Wide Zoning By-law - 173 Eglinton Avenue West, Toronto

We are the solicitors for Elias Panos Holdings Ltd., the owner of the above-noted property. The property is the site of the Unity Church of Truth.

As Mr. David Driedger, City Planner, is aware, Elias Panos Holdings Ltd. has been in the process of planning a redevelopment of the property to be used for the institutional purpose of a non-denominational private secondary school. Numerous meetings, recommendations and plans have been prepared in connection with this proposed redevelopment, with the City's acknowledgement and cooperation.

Under the existing zoning by-law, the institutional use as a private school was permitted. Under the draft City-wide Zoning By-law 1156-2010 the property is to be rezoned to residential, with no allowed institutional use.

An appeal of the new zoning by-law was previously filed (please see the attached letters) and has not been abandoned.

It has come to our attention that the property is not listed among those properties which are exempt from the provisions of the draft City-wide Zoning By-law. As a formal development application has not yet been made, we wish to request at this time that 173 Eglinton Avenue West be added to the list of properties which are exempt from the draft City-wide Zoning By-law for the purposes of the redevelopment plan which is proposed by the current owner, Elias Panos Holdings Ltd.

CITY CLERK'S OFFICE  
SECRETARIAT SECTION  
2013 MAR 27 A 7:51

Please confirm as soon as possible that this request will be accommodated.

Yours truly,

Torkin Manes LLP

Per:



Len Rodness

LDR/

cc. Thomas Wall, City Solicitor  
David Driedger, City Planner  
Steve Tsimikalis, Elias Panos Holdings Ltd.

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Our File No: 28453.0001



September 23, 2010

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

**Attention: Merle MacDonald**

Dear Ms. MacDonald:

Re: Notice to Appeal Zoning By-Law 1156- 2010

We are the solicitors for Toronto Prep School. This Notice to Appeal concerns the property located at 173 Eglinton Avenue West, Toronto, Ontario (the "Property"). Toronto Prep School is interested in the Property as a potential site for a future private school. The Toronto Prep School wishes to submit this appeal of Zoning By-Law 56-2010 as it pertains to the Property. The grounds for the appeal are as follows:

*The Previous Zoning By-Law: By-Law 438-86*

Under Zoning By-Law 438-86, the Property was zoned "R4A". Under section 6 of Zoning By-Law 438-86 a permitted use of the property was a "private academic, philanthropic, or religious school". The definition of a "private, academic, philanthropic or religious school" was as follows: *a school other than a public school, where academic subjects are taught or that is maintained for philanthropic or religious purposes and whether or not it is also a boarding school, and includes a dormitory building appurtenant to the school but does not include a school or home otherwise classified or defined under this by-law.* Accordingly, Toronto Prep School's proposed use of the Property as a private academic school would have been a permitted use under By-Law 438-86

*The New By-Law: City By-Law 1156-2010*

Under Zoning By-Law 1156-2010, the Property is now zoned Residential. According to Section 10.10.20 of Zoning By-Law 1156-2010, a private academic school is no longer a permitted use for the Property. Non-residential permitted uses for the Property under Zoning

By-Law 1156-2010 include the following: nursing home, retirement home, religious residence, and a private home daycare.

*Reasons to Include a Private Academic School as a Permitted use on the Property under By-Law 1156-2010*

Since a private academic institution was a permitted use for this Property in the past, we believe that it should be included as a permitted use under By-Law 1156-2010. The current non-residential permitted uses under the new by-law, such as a nursing home, would, we believe, place a similar impact on the Property as would a private academic school. Moreover, use of the Property as a private academic school would provide the local community with several tangible benefits. As such, we request that a private academic school be included as a permitted use for the Property under By-Law 1156-2010

Yours truly,

**TORKIN MANES LLP**

Per:

Leonard D. Rodness  
LDR/lr

28453.0001/3560059\_1

**Environment and Land Tribunals  
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
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**Tribunaux de l'environnement et de  
l'aménagement du territoire Ontario**

Commission des affaires municipales  
de l'Ontario

655 rue Bay, suite 1500  
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December 22, 2010

Subject: Case Number: PL101111  
File Number: PL101111  
Subject: By-law 1156-2010  
Municipality: City of Toronto

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The Board acknowledges receipt of the above referenced file. When communicating with the Board please quote the Board's case number and appeal number(s).

This file has been assigned to **Sandra Chan, Planner** and **Martin Stefanczyk, Planner**. For specific questions about this case, you may contact Sandra at (416)326-6776 or Martin at (416)326-6782.

The Board has prepared a list of the appeals filed against By-law 1156-2010. We have grouped the appeals by the representative that filed the appeals (where applicable). The attached list details our record of the appeals filed by yourself on behalf of your clients. Please review this list and the notes provided and advise the Board if you note any omissions.

The Planners will review the file to ensure that all the required material has been received and will identify if there are other related matters that may come to the Board. The Planners may contact the parties to:

- Identify issues
- Discuss whether the matter may be a candidate for a mediation meeting
- Discuss the time that may be required for the hearing.

Mediation is an option available where the parties consent to this process. Mediation is intended to provide the parties with a more satisfactory manner in which to reach a resolution in the same or lesser timeframe as the traditional adjudicative process. Parties should contact the Planners if they are interested in mediation.

The Board will schedule this case for the earliest available date on the Board's calendar. Parties should be prepared to proceed at any time. Parties will receive notice of the hearing event. Notice for prehearings and hearings are generally mailed 35 days before the hearing. Notice for mediation meetings can be given on shorter notice.



OMB Case No.: PL101111

Appeals against By-law 1156-2010 of the City of Toronto filed by:

**Leonard Rodness Torkin Manes LLP on behalf of:**

Appeal No.	Appellant(s)	Property Address(es)
27	Toronto Prep School	173 Eglinton Ave W

Where one appeal was filed on behalf of a number of persons e.g. property in joint ownership OR one appellant has filed an appeal related to multiple properties, the entry will contain the extension et. al. for purposes of this schedule.



Gary Wright, Chief Planner & Executive Director  
City Planning Division

Zoning By-law and  
Environmental Planning  
Metro Hall, 22<sup>nd</sup> Floor  
55 John Street  
Toronto, Ontario M5V 3C6

Joe D'Abramo  
Acting Director  
Tel: (416) 397-0251  
Fax: (416) 392-3821  
Refer to: Joe D'Abramo  
Email: [jdabramo@toronto.ca](mailto:jdabramo@toronto.ca)  
[www.toronto.ca/planning](http://www.toronto.ca/planning)

January 9, 2012

Mr. Leonard Rodness  
Torkin Manes  
151 Yonge Street, Suite 1500  
Toronto, ON  
M5C 2W7

**RE: Appeal to By-law 1156-2010: 27**

Dear Mr. Rodness,

I am writing to thank you for meeting with us this past summer to discuss your concerns with the city-wide Zoning By-law, enacted as By-law 1156-2010 and then repealed in May 2011. It is hoped that a review of all the issues will be completed and reported to Committee sometime in the spring.

Some of you expressed an interest in reviewing the proposed approach to transition issues and prevailing by-laws. This work is complete and will be shared with you in the near future.

Most of you raised issues of a site-specific nature. Our review of these sites continues, and where we agreed to correspond further, you may expect a letter within the next couple of months.

If you have any further questions, you may call me directly at 416-397-0251 or email [jdabramo@toronto.ca](mailto:jdabramo@toronto.ca).

Yours truly,

Joe D'Abramo  
Acting Director  
Zoning Bylaw and Environmental Planning  
City Planning Division