

Goodmans^{LLP}

PG21.1.303

Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

CITY CLERK'S OFFICE
SECRETARIAT SECTION
Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

2013 MAR 27 P 4: 38

Direct Line: 416.597.4299
dbronskill@goodmans.ca

September 19, 2012

Our File No.: 10-2556

Via Email: twall@toronto.ca

City of Toronto, Legal Services
Metro Hall, 55 John Street
Toronto, ON
M5V 3C6

Attention: Thomas Wall

Dear Mr. Wall:

**Re: 0 Regent Road, 20,48, 54 and 62 Murray Road
New Toronto Zoning By-law**

We are solicitors for Teskey Concrete Co Ltd., Teskey Construction Co. Limited, 2094528 Ontario Limited and HGT Holdings Limited, the owners of the properties known municipally as 20, 48, 54 and 62 Murray Road (the "Subject Properties"). We are writing to express our client's significant concerns with the failure of the New Zoning By-law to address previously stated issues with the proposed new zoning for the Subject Properties.

The stated approach of the City to the New Zoning By-law has always been to capture the intent of the existing zoning by-laws. However, just as with the previous repealed version, the New Zoning By-law would change the existing zoning for the Subject Properties, without any justification or planning rationale. This could potentially render certain existing uses, such as a concrete batching plant and open storage, as legal non-conforming, despite these zoning permissions existing today and being in full conformity with the existing official plan designation. While proposed Exception 26 would permit a concrete batching plant, the proposed exception does not capture all existing permitted uses and does not apply to all of the Subject Properties.

These concerns have been previously expressed on numerous occasions, as evidenced in the attached correspondence. We also met with City staff on July 15, 2011, to discuss these concerns.

We trust the staff report being presented to the October 12, 2012 meeting of Planning & Growth Management Committee will address these concerns through recommended amendments to the New Zoning By-law, so that our client can avoid the further unnecessary expense of another OMB appeal.

We look forward to your response.

Yours very truly,

Goodmans LLP



David Bronskill

DJB/mr

cc: Joe D'Abramo
Ian Graham
Client
Councillor Peter Milczyn

\6121178.1

Goodmans

Barristers & Solicitors
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7
Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

February 28, 2011

Our File No.: 10-2556

Via Email: twall@toronto.ca

City of Toronto, Legal Services
Metro Hall, 55 John Street
Toronto, ON M5V 3C6

Attention: Thomas Wall

Dear Mr. Wall:

**Re: Appeal of City of Toronto Zoning By-law 1156-2010
0 Regent Road, 20,48, 54 and 62 Murray Road**

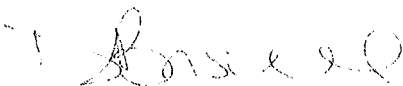
We are writing on behalf of our clients (Teskey Construction Co. Limited, 2094528 Ontario Limited and HGT Holdings Limited) regarding their appeal of the new City of Toronto Zoning By-law 1156-2010 (the "New By-law") in respect of the property known as 0 Regent Road, 20, 48, 54 and 62 Murray Road (the "Subject Property"). You indicated to us at a meeting with you that we should raise technical concerns with the New By-law so that City staff could attempt to resolve them.

In its appeal letter, our client identified that the New By-law would remove existing zoning permissions for the Subject Property, as well as place restrictions on other uses. For example, the New By-law appears to limit permission for a concrete batching plant to only part of the Subject Property. These changes are troubling because numerous City staff reports indicated that the mandate of the new zoning by-law project was to capture the intent of existing zoning by-laws. As such, we would appreciate a response from you as to whether the City is prepared to restore these permissions in full.

We would appreciate a response at your earliest convenience.

Yours very truly,

Goodmans LLP



David Bronskill
DJB/mr
cc: Client

V5943635 1

Goodmans^{LLP}

Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

September 6, 2011

Our File No.: 10-2556

Via Email: twall@toronto.ca

City of Toronto, Legal Services
Metro Hall, 55 John Street
Toronto, ON M5V 3C6

Attention: Thomas Wall

Dear Mr. Wall:

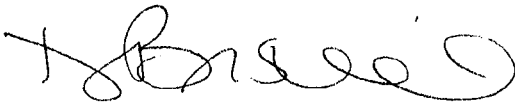
**Re: New Toronto Zoning By-law
0 Regent Road, 20,48, 54 and 62 Murray Road**

We are writing on behalf of our clients (Teskey Construction Co. Limited, 2094528 Ontario Limited and HGT Holdings Limited) regarding their appeal of the new City of Toronto Zoning By-law (the "New By-law") in respect of the property known as 0 Regent Road, 20, 48, 54 and 62 Murray Road (the "Subject Property"). Further to our meeting on July 15, 2011, please confirm if the City is prepared to restore permission for a concrete batching plant over the entire Subject Property, when and if a revised version of the New By-law is presented to the Planning and Growth Management Committee.

We would appreciate a response at your earliest convenience.

Yours very truly,

Goodmans LLP



David Bronskill

DJB/mr

cc: Client

V6002959.1

September 30, 2010

Our File No.: 10-2556

By Courier

City of Toronto, City Clerk
Toronto City Hall, 10th Floor, West Tower
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: Merle MacDonald, Committee Administrator
Planning and Growth Management Committee

Dear Sirs:

Re: 0 Regent Road, 20, 48, 54 and 62 Murray Road
Appeal of New City of Toronto Zoning By-law 1156-2010

We are solicitors for Teskey Construction Co. Limited, 2094528 Ontario Limited and HGT Holdings Limited, the owners of the properties known municipally as 20, 48, 54 and 62 Murray Road (the "Subject Properties"). We are writing on behalf of our client to appeal Zoning By-law 1156-2010 (the "New Zoning By-law") to the Ontario Municipal Board.

The New Zoning By-law would remove existing zoning permissions for the Subject Properties, including permissions for certain automobile-related uses, educational uses, certain recreational uses, hotels and banquet facilities, as well as place restrictions on other uses, such as manufacturing and restaurant uses. Most critically, we read the New Zoning By-law as limiting permission for a concrete batching plant to only part of the Subject Properties.

These changes are being made without any planning justification being provided to our client. In fact, our client was provided with **no notice** that the zoning permissions for the Subject Properties would be restricted in this fashion.

Numerous City staff reports indicated that the mandate of the new zoning by-law project was to capture the intent of existing zoning by-laws. Instead, the approach of the City – without any notice to our client – is to change the existing zoning for the Subject Properties, without any justification or planning rationale, and to render certain existing uses as legal non-conforming while removing permissions that are entirely in conformity with the existing official plan designation.


Not only is the proposed removal of the existing zoning permissions inappropriate, but also the City has failed to provide appropriate notice to our client. Section 34(12) of the *Planning Act* requires City Council to provide sufficient notice of material to enable the public to understand generally the zoning proposal as being considered. Clearly, our client had no knowledge that the Subject Properties would be impacted in such a dramatic fashion.

This explains the reason that they did not provide oral submissions at a public meeting or written submissions to City Council. Given that the statutory notice provided to our client is insufficient, it is reasonable and appropriate for our client to be an Appellant in this matter. There is no prejudice to the City because there will be a large number of appeals filed against the New Zoning By-law, while the potential prejudice to our client is enormous because it would render existing uses legal non-conforming and limit the uses otherwise permitted by the Official Plan. If our client is not permitted to appeal the New Zoning By-law, it will have no choice but to challenge the sufficiency of the City's notice in this matter.

For all of these reasons, our client has no choice but to appeal the New Zoning By-law. Please find enclosed the OMB's Appellant Form, along with a cheque in the amount of \$125.00. If any other information is required, please do not hesitate to contact us.

Yours very truly,

Goodmans LLP



David Bronskill
DJB/mr
encls.

cc: Client

v5889806



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elt.o.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(11)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

0 REGENT ROAD, 20, 48, 54 & 62 MURRAY ROAD

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: TORONTO

Part 3: Appellant Information

First Name: _____ Last Name: _____

TESKEY CONSTRUCTION CO. LIMITED

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: SEPT. 30, 2010
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: DAVID BRONSKILL Last Name: _____

Company Name: GOODMANS LLP

Professional Title: SOLICITOR

E-mail Address: DBRONSKILL@GOODMANS.CA
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416. 597. 4219 Alternate Telephone #: _____

Fax #: 416. 979. 1234

Mailing Address: 333 BAY ST. SUITE 2400 TORONTO
Street Address Apt/Suite/Unit# City/Town

ON _____ M5H 2S9
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: SEPT. 30, 2010

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
Land use planner; noise; transportation

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? _____

Part 9: Other Applicable Information **Attach a separate page if more space is required.

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
ZONING BY-LAW 1156-2010

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)
Please see attached letter

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)