

**AIRD & BERLIS LLP**

Barristers and Solicitors

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April 1, 2013

54182

BY EMAIL

clerk@toronto.ca;

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Toronto City Hall  
100 Queen Street West  
Toronto Ontario  
M5H 2N2

2013 APR - 2 A 8:35  
CITY CLERK'S OFFICE  
SECRETARIAT SECTION

Dear Mr. Mayor and Members of Council:

**Re: Meeting of Council April 3, 2013  
Planning and Growth Management Committee  
Final Report on Citywide Zoning By-law  
Item PG21.1  
310 and 320 Tweedsmuir Avenue (the "subject lands")  
By-law 1-83 of the former City of York**

Aird & Berlis LLP acts for Morguard Residential Inc. and Laurie Investments (Toronto) Limited in respect of the above referenced lands located in the City of Toronto. Please accept this letter as our written submission to Council pursuant to Section 34(19) of the *Planning Act*.

On September 13, 2013 we made written submissions to the City Zoning Project Team (copy attached) outlining a number of concerns we had with the proposed citywide draft Zoning By-law based on our review of the then June 2012 version of the Zoning By-law.

The revised November 8, 2012 version of the draft by-law considered by the Planning and Growth Management Committee at its meeting March 6, 2013 has properly noted our concern that the mapping and text correctly exclude the subject lands from the new citywide zoning by-law so that they remain under the jurisdiction of by-law 533-2010 as approved.

April 1, 2013

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By copy of this letter we are requesting Notice of any Decision of Council with respect to the passing of the proposed citywide zoning By-law.

Please acknowledge receipt of this written submission.

Yours truly,

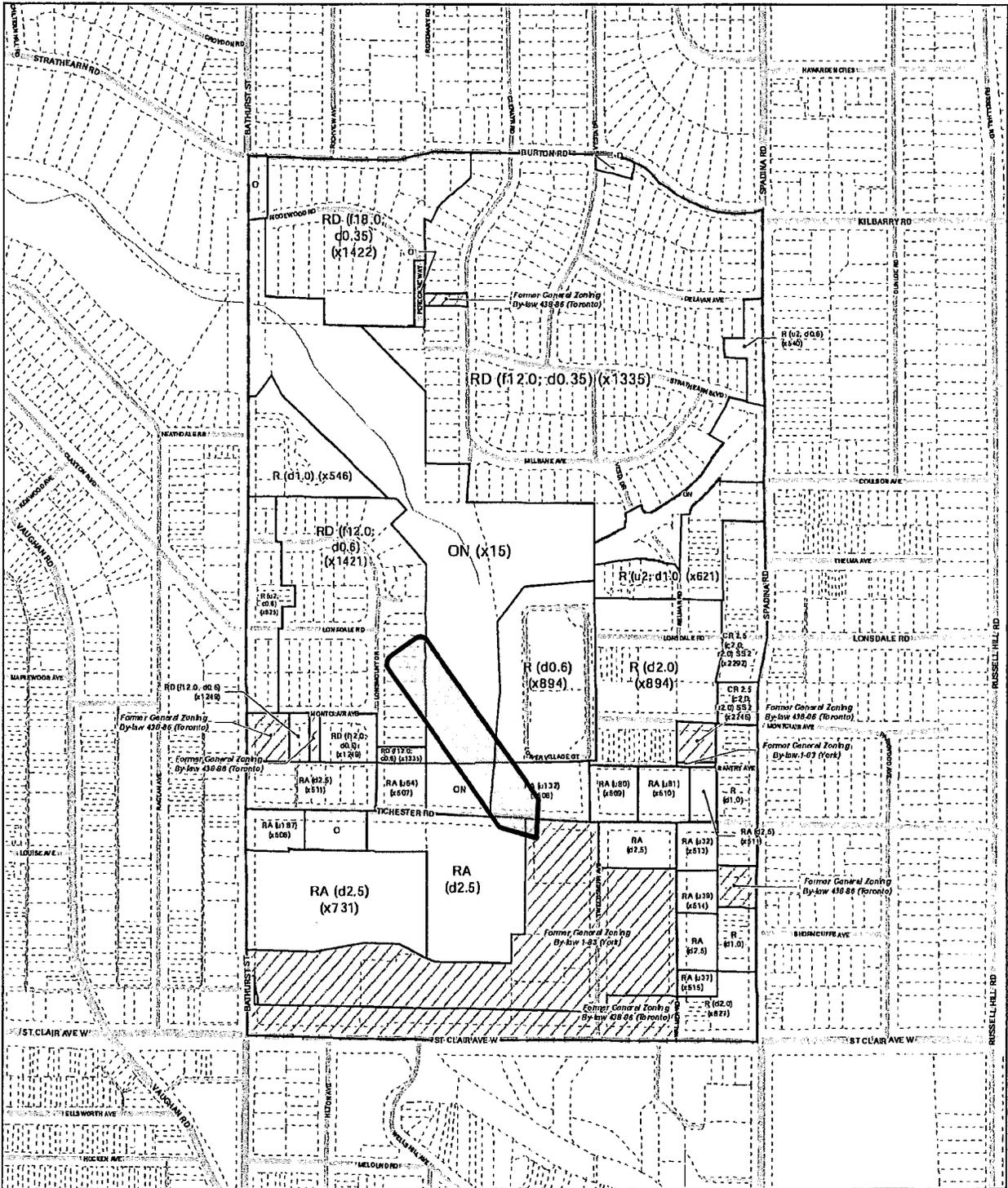
AIRD & BERLIS LLP

Robert G. Doumani

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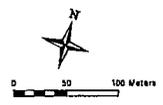
**TORONTO City Planning**

*City Wide Zoning By-law*

November 8, 2012  
 Planning & Growth Management Committee

Maps must be read together with Zoning By-law text

- Zoning
- Property Boundary
- Railway
- Hydro Line
- River
- Map Sheet Boundary



365	366	367	368	369
377	378	379	380	381
389	390	391	392	393

Current Page   
  Pages with Zoning

## Chapter 1 Administration

### 1.5 General

#### 1.5.1 Title

(1) Title

This By-law is known as the 'Zoning By-law for the City of Toronto'.

(2) Internal Reference

Any references to 'this By-law' means the Zoning By-law for the City of Toronto.

#### 1.5.2 Purpose and Intent of this By-law

(1) Purpose and Intent

This By-law regulates the use of land, the bulk, height, location, erection and use of **buildings** and **structures**, the provision of **parking spaces**, **loading spaces** and other associated matters in the City of Toronto.

#### 1.5.3 Licenses, Permits and Other By-laws

(1) Licences, Permits and Other By-laws

This By-law does not relieve any person from complying with the requirements of any other by-law of the City of Toronto, as amended, or from the obligation to obtain a permit, licence or approval required under any by-law of the City of Toronto.

#### 1.5.4 Defined Terms

(1) Defined Terms

If words, terms, or phrases are highlighted in bold type in this By-law, they have the meaning provided in Chapter 800 Definitions.

#### 1.5.5 Zoning By-law Map

(1) Zoning By-law Map

The Zoning By-law Map is found in Section 990.10 Zoning By-law Map.

#### 1.5.6 Former General Zoning By-laws

(1) Former General Zoning By-laws are not Repealed

Nothing in this By-law repeals the provisions of the **Former General Zoning By-laws**.

(2) Former General Zoning By-laws are Superseded by this By-law

This By-law supersedes the **Former General Zoning By-laws** where it applies.

#### 1.5.7 Lands Subject to this By-law

(1) Lands Subject to this By-law

This By-law applies to all the lands in the City of Toronto, except for those lands depicted on the Zoning



By-law Map in Section 990.10 with diagonal hatching and the name and number of one of the Former General Zoning By-laws.

### 1.5.8 Items that are part of this By-law

(1) Items that are Part of this By-law

The following are part of this By-law:

- (A) Table of Contents;
- (B) Maps and Tables; and
- (C) A drawing or other visual representation that is labelled as a "Diagram".

### 1.5.9 Items that are not part of this By-law

(1) Items that are not Part of this By-law

The following are not part of this By-law:

- (A) Headings and titles in the body of this By-law are included for convenience only and reference purposes;
- (B) References within square brackets are included for convenience only and reference purposes;
- (C) A drawing or other visual representation that is labelled as an "Illustration" is included for convenience only and reference purposes; and
- (D) Margin notes giving information, clarifying intention, providing examples or information, or referring to legislation or other by-laws or to other parts of this By-law are included for convenience only and reference purposes.

### 1.5.10 Severability of this By-law

(1) Validity

Should any regulation of this By-law be declared by a court of competent jurisdiction to be invalid, the invalidity of that regulation does not affect the validity of this By-law as a whole.

## 1.20 Interpretation

### 1.20.1 By-law Structure

(1) By-law Structure and Numbering

This By-law is divided into parts using a numeric decimal system as follows:

20.	Chapter
20.10	Section
20.10.30	Article
20.10.30.15	Clause

(2) Numbering of Regulations

Articles or Clauses may be divided further into bracketed divisions known as Regulations having the following structure:

- (25) [bracketed numeral]
  - (A) [bracketed upper-case letter]
    - (i) [bracketed lower-case Roman numeral]
      - (a) [bracketed lower-case letter]

# AIRD & BERLIS LLP

Barristers and Solicitors

Robert G Doumani  
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September 13, 2012

Our file no. 54182

BY EMAIL

City Zoning Project Team  
City Planning Division  
Metro Hall, 22<sup>nd</sup> Floor  
55 John Street  
Toronto Ontario  
M5V 3C6

Attention: Mr. Dwayne Tapp

Dear Mr. Tapp:

**Re: Draft Citywide Zoning By-law  
310 and 320 Tweedsmuir Avenue (the "Subject Lands")  
By-law 533-2010(OMB)  
By-law 1-83 of the former City of York**

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Aird & Berlis LLP acts for Morguard Residential Inc. and Laurie Investments (Toronto) Limited in respect of the above referenced lands located in the City of Toronto.

Our clients appealed (the now repealed) Zoning By-law 1156-2010 (Appeal 567-PL101111) on the grounds that, among other matters, whereas 310 Tweedsmuir Avenue was identified as "*Not Part of This By-law*" the property at 320 Tweedsmuir Avenue was included as subject to By-law 1156-2010.

We pointed out to Council that By-law 533-2010(OMB) permits the redevelopment of the Subject Lands with two residential towers. The By-law was approved by the Ontario Municipal Board with the support of City Council. Our position, therefore at the time of the enactment of Zoning By-law 1156-2010, was that the zoning should not be split. Our position then and now is that the Subject Lands, which are comprehensively zoned by By-law 533-2010, should be excluded from the new Citywide Zoning By-law.

We have now reviewed the June 2012 Draft Revised Citywide Zoning By-law and have the following comments.

1. Zoning Map 379 , Height Overlay Map 379, and Policy Areas Overlay Map 379, are annotated with the notation "*See Former City of York By-law No 1-83.*"

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2. The Lot Overlay Coverage Map Index indicates these properties are within "*Areas Without Lot Coverage Maps*".
3. The Rooming House Overlay Map was not published with the June 2012 Draft.
4. Chapter 1.5.7. Lands Subject to this By-law subsection (1) states:

(1) Lands Subject to this By-law

"This By-law applies to all the lands in the City of Toronto, except for those lands identified on the Zoning By-law Map in Section 990.10 as "*Not Part of this By-law*."

However, **Chapter 990 Zoning By-law Map** is published without any stated Regulations in the Volume Three Text. There is no stated Section 990.10 available for our review.

In addition, the Legend to Map(s) 379 does not include a category "*Not Part of This By-law*".

5. Chapter 1 Section 1.20.3 How to Read This Zoning By-law – Zoning By-law Map states:

(1) Zone Symbols and Boundaries

"All lands regulated by this By-law are delineated by a zone boundary line on the Zoning By-law Map and identified by a zone symbol as one of the zones listed in Section 1.40"

However, this is not consistent with Section 1.5.7. which relies on the category "*Not Part of This By-law*" to affirm that the former General Zoning By-law applies.

It is clear to us that the intent of the City is that indeed the Subject Lands should be excluded from the new Citywide Zoning By-law, but that is not the effect of the draft document published in June 2012. The Draft By-law is not precise.

Please make the necessary corrections to the Legend Annotations of all of the Maps to include the category "*Not Part of this By-law*" and extend this category to the Subject Lands. Annotated copies of Map(s) 379 showing the Subject Lands and the omission in the Legend sidebar are attached.

Secondly, we are relying on the fact that Chapter 1 Section 1.5.6 asserts that "Nothing in this By-law repeals the provisions of the Former General Zoning By-laws."

It is important that all of the existing approvals remain in place for the Subject Lands.

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Yours truly,

AIRD & BERLIS LLP

Robert G. Doumani

RGD/RD/eb

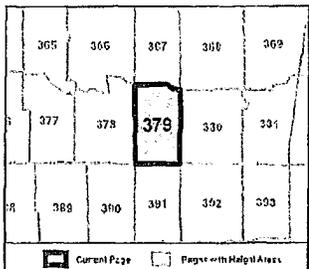
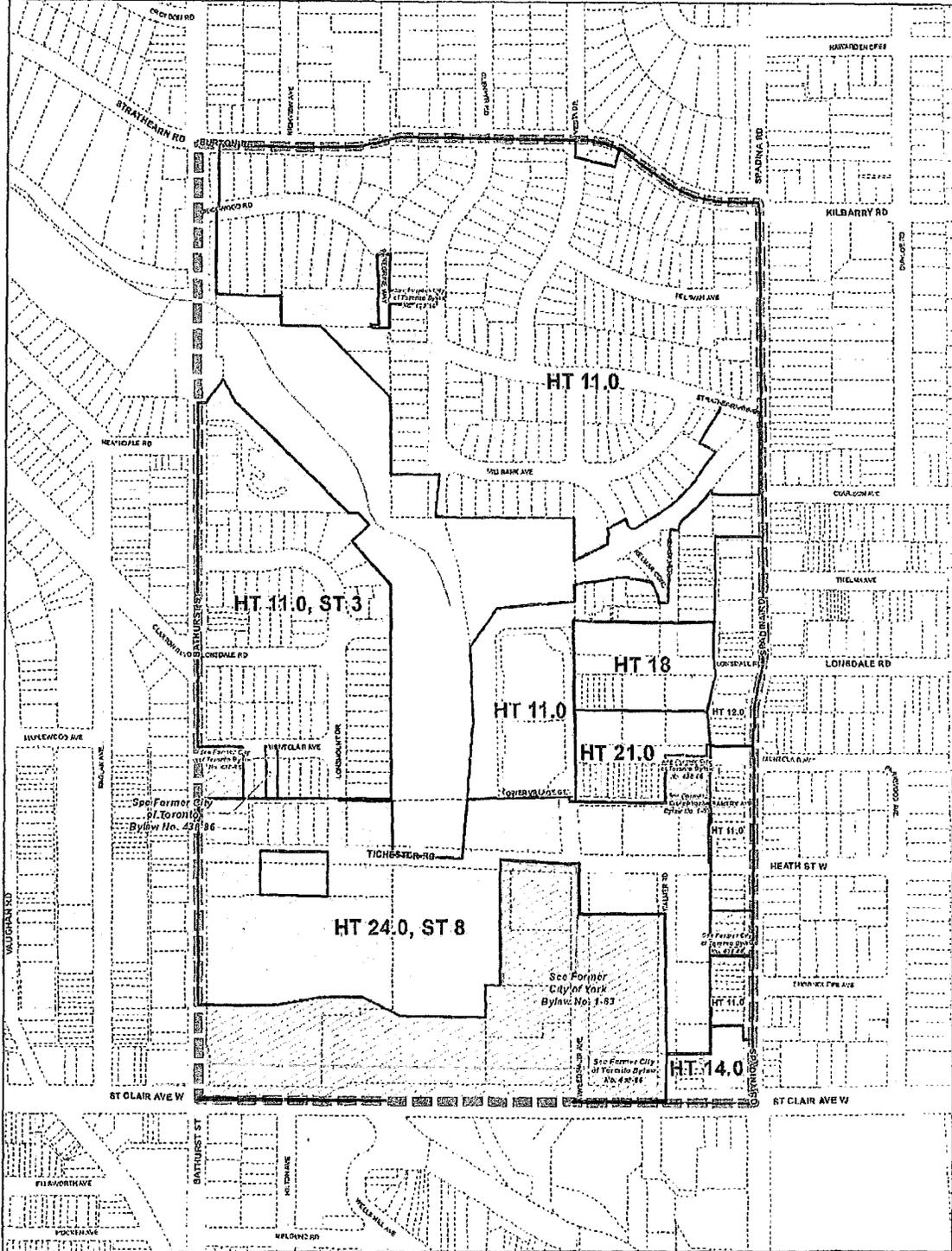
Encl.

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- Heigt Areas
- Property Boundary
- Railway
- Hydro Line
- River
- Map Sheet Boundary

*Draft For Consultation*

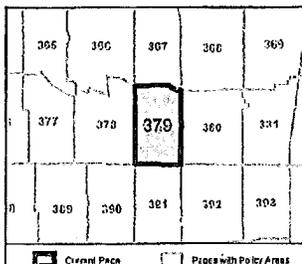
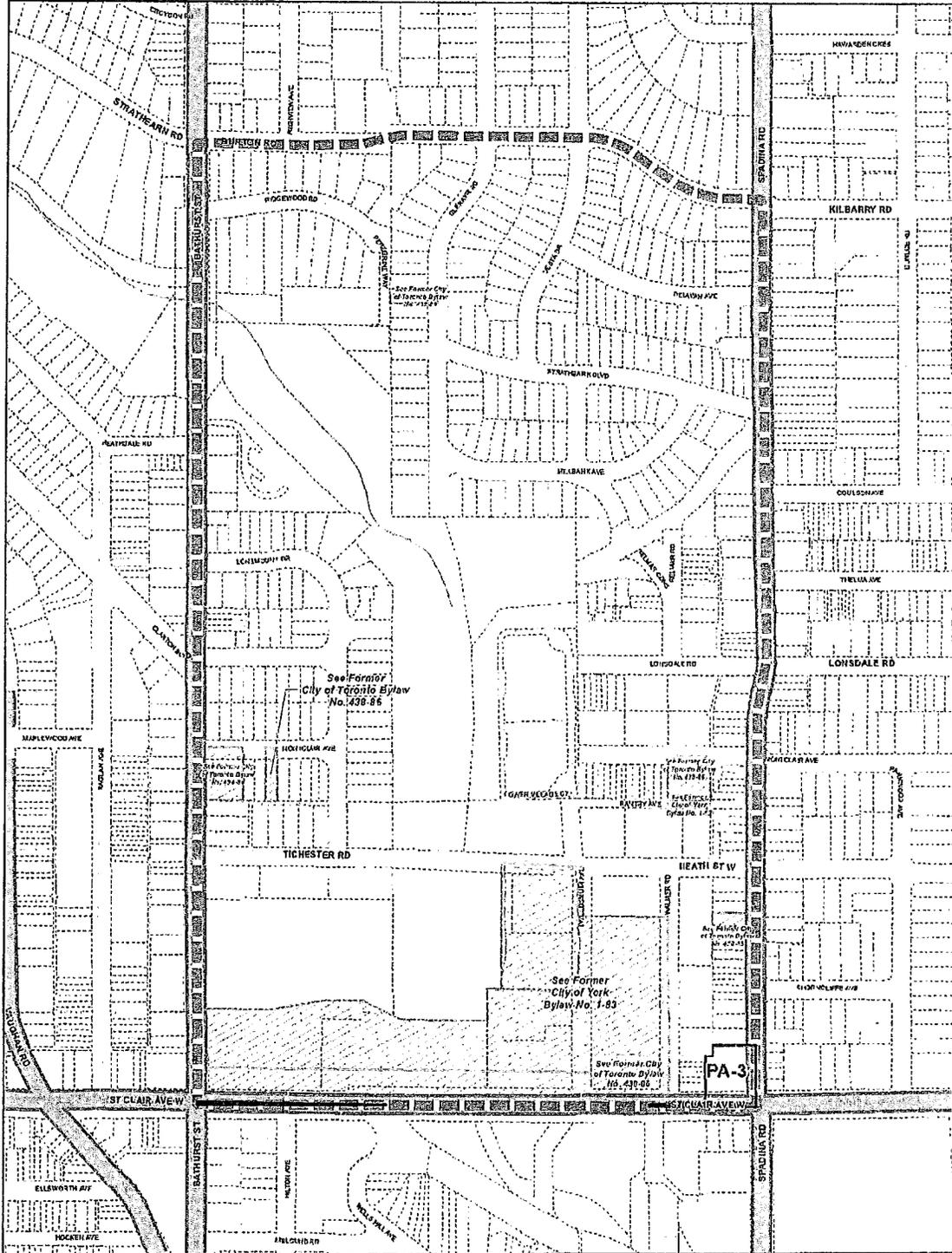


**TORONTO City Planning**

**Heigt Overlay Map**

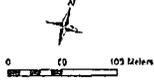
June 18, 2012  
 Planning & Growth Management Committee

Maps must be read together with Zoning By-law text



- Policy Area
- Major Streets
- Property Boundary
- Railway
- Hydro Line
- River
- Map Sheet Boundary

*Draft For Consultation*



*Not part of the by-law*

**TORONTO City Planning**

**Policy Areas Overlay Map**

June 18, 2012  
 Planning & Growth Management Committee

Maps must be read together with Zoning By-law text

