

Fasken Martineau DuMoulin LLP
Barristers and Solicitors
Patent and Trade-mark Agents

66 Wellington Street West
Suite 4200, Toronto Dominion Bank Tower
Box 20, Toronto-Dominion Centre
Toronto, Ontario, Canada M5K 1N6

416 366 8381 Telephone
416 364 7813 Facsimile

CITY CLERK'S OFFICE
SECRETARIAT SECTION

2013 APR -2 P 4: 38

PG 21.1.381
www.fasken.com

FASKEN
MARTINEAU 

Joseph Guzzi
Direct 416 865 3503
jguzzi@fasken.com

April 2, 2013

VIA EMAIL

City of Toronto
Clerks Department
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Mayor and Members of Council:

**Re: FOR RECEIPT PRIOR TO APRIL 3rd City Council Meeting -
Objection to the Proposed New City of Toronto Comprehensive Zoning By-
law as it relates to 157 Falkirk Street, Toronto**

Please be advised that we act on behalf of Chabad on the Avenue ("Chabad") who recently purchased its place of worship location at 157 Falkirk Street (Lot 42, Registered Plan 1749 and Part Lot 142, Registered Plan 1576, Toronto) from The Trustees of the First Hungarian Baptist Church.

Chabad wishes to undertake an interim renovation to add a prefabricated building to the property to allow for its proposed use. Notwithstanding the interim nature of its renovations, Chabad was required to file and has received notice of its "complete site plan application" (under File no. 13 126997 NNY 16SA). Discussions have taken place between City planning staff and Chabad's spiritual leader over the last few years to help ensure that Chabad's place of worship and day nursery uses will not be compromised by the proposed new comprehensive City of Toronto Zoning-By-law (the "New By-law"). It is Chabad's understanding that its current site plan application, having been filed, secures its site plan's processing, approval and issuance of permits under the existing North York By-law 7625 and that the proposed New By-law will not impact or delay its current and anticipated approvals.

The interim renovation is expected to be replaced by a redevelopment of the property with a new principal building for Chabad's place of worship and related uses. Work has been underway on such redevelopment plans, but has been delayed due to the requirement imposed for site plan approval for the interim addition of the prefabricated building and to the time and resources required to attend to such approval. While we appreciate that the parking standard for worship space has been reduced under the New

DM_TOR/234553.00001/6239591.1

By-law, there is a concern that the New By-law may inadvertently impact Chabad's contemplated development of the property through the imposition of revised development standards, including setbacks, coverage, and the like. The property was secured following an exhaustive search, over a period of 5 years, and Chabad's wants to ensure that its present and future use of the property will not be prejudiced by the New By-law.

Accordingly, as a protective measure, and so as not to compromise the current applications for its addition of a prefabricated building nor for its proposed redevelopment plans, Chabad objects to the passage of the New Zoning By-law as it relates to its property. We expect that Chabad will reach out to City staff to review its concerns to ensure that it will not be prejudiced by the possible passage of the New By-law.

Please forward to the undersigned any notices of future meetings, hearings or decisions in connection with the said New By-law.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP

Per:



Joseph Guzzi, MCIP

JG/kh