

PG21.1.424

**STIKEMAN ELLIOTT**

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz  
Direct: (416) 869-5669  
Fax: (416) 947-0866  
E-mail: CLantz@stikeman.com

**VIA E-MAIL**  
clerk@toronto.ca

April 4, 2013

Mayor and Members of Council  
City of Toronto  
Metro Hall, 24th Floor  
55 John Street  
Toronto, ON M5V 3C6

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

**Re: Proposed City-wide Zoning By-law  
Item No. PG21.1, Planning and Growth Management Committee  
Client: Greey Realty Holdings Limited  
Properties: 1925, 1927 and 1951 Yonge Street  
22 Davisville Avenue  
17 and 21 Millwood Road**

2013 APR - 4 P 1:04  
CITY CLERK'S OFFICE  
SECRETARIAL SECTION

We are the solicitors for Greey Realty Holdings Limited, the owner of the properties municipally known as 1925, 1927 and 1951 Yonge Street (the "Yonge Properties"), 22 Davisville Avenue (the "Davisville Property") and 17 and 21 Millwood Road (the "Millwood Properties"), in the City of Toronto (collectively, the "Properties").

We wish to bring to your attention concerns that our client has with the proposed new city-wide zoning by-law released on November 8, 2012 (the "Draft By-law").

The Yonge Properties and the Davisville Property are zoned MCR T3.0 C2 R2.5, Mixed Use District and the Millwood Properties are zoned R2 Z0.6 under current Zoning By-law 438-86 (the "By-law"). Under the Draft By-law, the Davisville Property is zoned CR 3.0(c2.0; r2.5) SS2 (x2424), Commercial Residential and the Millwood Properties are zoned R (d0.6) (x931), Residential. The Yonge Properties are indicated as "holes" in the Draft By-law and the former zoning by-law continues to apply.

TORONTO  
MONTREAL  
OTTAWA  
CALGARY  
VANCOUVER  
NEWYORK  
LONDON  
SYDNEY

There are a number of significant amendments in the proposed regulations of the Draft By-law applicable to the Davisville Property and Millwood Properties, relative to the in-force zoning, that are of concern to our client, including but not limited to the following:

Davisville Property

- Clauses 40.10.20.10(1) and 40.10.20.20(1): A number of permitted uses have new conditions under the Draft By-law;
- Clauses 5.10.60.1(4): The Draft By-law contains additional conditions in order to have an outdoor accessory patio associated with a permitted use;
- Clauses 40.10.30.20(1): The Draft By-law proposes a new minimum lot frontage requirement of 9.0 metres in the CR Zone;
- Clauses 40.10.40.70(4) and (5): The Draft By-law introduces a new maximum front yard setback for new commercial buildings and a new minimum front yard setback for new at-grade residential uses;
- Clauses 40.10.40.10(4) and (5): The Draft By-law introduces a new definition of height that would render certain peaked-roof buildings legal non-conforming, if the height to the top of the structure exceeds the maximum permitted height (formerly height was measured to the mean level between the eaves and the ridge of the roof). The Draft By-law also requires a minimum height of 4.5 metres for the first storey of a building; and
- Clauses 40.5.40.40(1): The definition and calculation of gross floor area of a non-residential building in the CR zone does not exclude parking areas and mechanical rooms above grade (other than a mechanical penthouse), which could decrease the maximum permitted floor space index.

Millwood Properties

- Clause 10.10.40.10: The Draft By-law contains additional requirements for residential buildings in the R Zone. For example, there is a new requirement that for a detached or semi-detached house, the maximum height of the first floor above established grade is 1.2 metres;
- Clause 10.10.30.10(B): The Draft By-law proposes a new minimum lot area of 180 square metres whereas the By-law does not contain a similar applicable requirement; and
- Clause 10.10.40.1(4): The Draft By-law proposes a new minimum dwelling unit width in a townhouse whereas the By-law does not contain a similar applicable requirement.

Yonge Properties

The Yonge Properties have not been incorporated into the Draft By-law at this time. The Yonge Properties are represented as "holes" in the Draft By-law mapping and the former general zoning by-law continues to govern the Yonge Properties.

Pursuant to the provisions of the *Planning Act*, in order to preserve one's right to appeal the Draft By-law to the Ontario Municipal Board, a property owner must express its concerns on the proposed City-wide By-law before Council adopts the new By-law. Since Council can make amendments, without notice, at any time prior to adoption of the Draft By-law, a property owner must protect its right of appeal by filing a letter expressing concerns with the City-wide By-law.

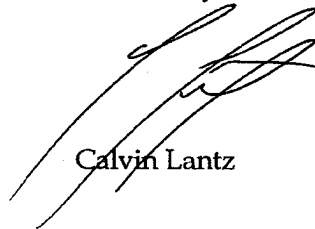
While our client is satisfied with the Yonge Street Properties represented as "holes" in the current draft of the Draft By-law, our client will object to the application of the provisions, maps, overlays, etc. of the Draft By-law to the Yonge Properties which impede the use and development of the Yonge Properties as contemplated by existing approvals and/or ongoing applications.

Generally, the proposed Draft By-law will render the existing use and development of the Davisville Property and Millwood Properties as "legal non-conforming" and will seriously limit their future development potential.

Since the Draft By-law process is an iterative one, we reserve the right to raise further issues with the provisions of the Draft By-law that may affect the any of the Properties.

Please provide us with copies of all staff reports, notice of all community and public meetings and copies of all decisions of Council and committees of Council made with respect to the Draft By-law, including notice of the passing of the Draft By-law. Thank you for your attention to this matter.

Yours truly,



Calvin Lantz

CWL/mc  
cc: Jon Williams