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TE25.18.32

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July 12, 2013

Our File No.: 12-1996

Via Email: clerk@toronto.ca

City Council
12th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Marilyn Toft, Secretariat

Dear Sirs/Mesdames:

**Re: TE25.18 – Request for Direction Report
Rezoning Application for 103, 109-111 Ossington Avenue**

We are solicitors for the owners of the properties known municipally as 103 & 109-111 Ossington Avenue in the City of Toronto (the “Subject Property”), which are designated as Mixed Use in the Official Plan. We understand that City Council will be considering the above-noted item at its meeting on July 16-17, 2013.

We are writing to urge City Council to adopt the recommendations contained in the staff report dated May 16, 2013 (the “Staff Recommendation”), and not the recommendation adopted by Toronto and East York Community Council (“TEYCC”) at its meeting on June 18, 2013 (the “TEYCC Recommendation”).

The Staff Recommendation recognizes that the Subject Property is suitable for intensification beyond the existing 14 metre height limit. In particular, given the Mixed Use designation of the Subject Property, City staff endorsed the principle of a six-storey building but requested direction to secure revisions to the overall height and massing. Our client welcomes the opportunity to continue discussions with City staff.

By contrast, the TEYCC Recommendation would obligate the City to retain outside consultants if a full settlement with all parties to the upcoming Ontario Municipal Board hearing cannot be achieved. In a letter to TEYCC dated June 13, 2013, counsel for the Ossington Community Association (the “OCA”) – the other party to the upcoming hearing – specifically indicated that her client’s position is that any redevelopment of the Subject Property must conform with the as-of-right zoning. This means that a full settlement, as required by the TEYCC Recommendation, would have to be based on the as-of-right zoning.

Our client filed a rezoning application to amend the as-of-right zoning. A full settlement based on conformity with the as-of-right zoning is neither realistic nor supported by City staff. While our client is prepared to have discussions with the OCA, and has already written to them in this regard, simply put, if City Council adopts the TEYCC Recommendation, it would be authorizing the City solicitor to retain outside consultants to defend the as-of-right zoning, despite the Subject Property being designated as Mixed Use in the Official Plan.

We are not asking City Council to endorse the proposed redevelopment in its current form. We are simply requesting that City Council authorize meaningful and productive settlement discussions, as requested in the Staff Recommendation, as opposed to constraining settlement discussions such that the City will be forced to retain outside consultants to defend an untenable position advanced only by the OCA. The City should not create a precedent of paying outside consultants to support a position advanced by local residents.

We would appreciate receiving notice of any City Council decision regarding this matter.

Yours very truly,

Goodmans LLP

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David Bronskill

DJB/

cc: Client

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