
AIRD & BERLIS LLP

Barristers and Solicitors

Robert G. Doumani
Partner
Direct: 416.865.3060
E-mail: rdoumani@airdberlis.com

February 1, 2013

105910 et al

BY EMAIL

pgmc@toronto.ca;

Frances Pritchard
Planning and Growth Management Committee
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto Ontario
M5H 2N2

Dear Ms. Pritchard:

**Re: Planning and Growth Management Committee Meeting February 13, 2013
Statutory Public Meeting – Citywide Zoning By-law
140 Carlton Street
1731,1735,1739 Victoria Park Ave
22 Oakmount Road
125 Neptune Drive
2550, 2560 Kingston Road
10 Grenoble Drive
7 St. Dennis Drive
ITEM: PG21.1**

Aird & Berlis LLP acts for W.J Holdings, the owner of the above noted properties within the City of Toronto.

Our clients appealed (the now repealed) Zoning By-law 1156-2010 (Appeal #207) and subsequent amendments thereto respecting our concerns among other matters the transition provisions and the protection of existing minor variances.

We also provided written comments to the Planning and Growth Management Committee Meeting October 12, 2012 concerning Recommended Changes to the Draft Citywide Zoning By-law.

We have reviewed the November 8, 2012 version of the Citywide Zoning By-law and we have reviewed the January 22, 2013 Final Staff Report recommending a series of amendments to the November version of the By-law.

We have consistently sought amendments/modifications to provide that notwithstanding the regulations of the new Zoning By-law, that any site specific zoning and any related minor variances and other previous planning approvals continue to prevail, and that the new Zoning By-law will not subsequently be applied to impose further restrictions by means of regulations that do not at present govern the properties.

The subject properties have been included within the proposed new Zoning By-law under the following zone categories:

140 Carlton Street	CR 4.0 (c1.0, r4.0) SS1 (x2369)
1731,1735,1739 Victoria Park Ave	RA (au80.0) (x519)
22 Oakmount Rd	R (d2.0) (x334)
125 Neptune Dr	RA(f30.0;a1375;d1.5) (x260)
2550,2560 Kingston Rd	RA (au43.0)(x628)
10 Grenoble Dr.	RA(f30.0;a1375;d1.5)
7 St Dennis Dr	RA (f30.0;a1375;d1.5)

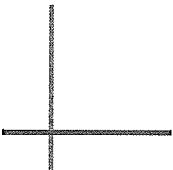
The Transition Clauses 2.1.3.1. to 2.1.3.6 do not continue beyond the issuance of the permit upon which the exemptions are founded. And in no case do the exemptions mentioned in Clauses 2.1.31. to 2.1.3.6 continue beyond the repeal of the transition section which is three years from the date of the enactment of the Zoning By-law.

The Specific Transition Clause 2.1.2 for Minor Variances was modified to ensure that all minor variances applied for prior to the enactment of the By-law and finally approved continue to apply and remain in force as if they are variances to the new By-law for lawfully existing lots, buildings or structures. However, after the expiration of the exemption period, variances approved under the Former General Zoning By-laws may be relied upon only if the regulatory standard respecting which the minor variance was given is the same or more permissive in the new By-law than it was in the Former General Zoning By-law.

We, therefore, remain concerned that the transition regulations do not adequately protect our client's existing property rights.

Secondly, our clients remain concerned that the range of uses permitted under the Former General Zoning By-laws and the zoning regulations associated with these uses be properly carried forward.

We did note and the November 8th version of the Zoning By-law does correctly identify the site-specific zoning by-laws identified for 140 Carlton Street (**Exception CR 2369** – former City of Toronto Zoning By-law 146-70), for 125 Neptune Drive (**Exception RA 260** – former City of North York By-law 25204) however, it does not correctly do this for 22 Oakmount Road (**Exception R 334** – notes that for 66 Oakmount Road the former City



February 1, 2013

Page 3

of Toronto Zoning By-law 22318, 171-67 and 188-71 applies, but it does not include # 22 Oakmount Road as required).

We do not support the transition clauses in their current form and this matter should be considered further by the City Solicitor and Staff with a direct report to Council should the matter proceed further. We request the correction to the Exception R 334 to include 22 Oakmount Road.


We reserve our right to see the consolidated version of the Zoning By-law incorporating all proposed changes of Council and Staff and not rely solely on our interpretation of various changes to the document as posted on November 8, 2012, before our client's position on the zoning can be finalized.

Please consider this letter our request that we be provided Notice of the passing of the Citywide Zoning By-law.

All of which is respectfully submitted.

Yours truly,

AIRD & BERLIS LLP



Robert G. Doumani

c. W.J Holdings

RGD/RD/rd
13984447.2

