



Fraser Milner Casgrain LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

MAIN 416 863 4511
FAX 416 863 4592

March 1, 2013

Mark A. Piel
mark.piel@fmc-law.com
DIRECT 416 863 4744
File No.: 528042-1

SENT VIA E-MAIL (pgmc@toronto.ca)

Planning and Growth Management Committee
City of Toronto
c/o City Clerk's Department
100 Queen Street West
10th Floor, West Tower
Toronto ON M5H 2N2

Attention: Committee Administrator

Dear Committee Members:

Re: Item PG21.1 - Statutory Meeting on March 6th, 2013 re City-wide Zoning By-law - Submission on behalf of Sabel Holdings Limited, Newry Holdings Limited, Damis Properties Inc., Fredzag Holdings Limited, and Microbjo Properties Inc., all partners in Bathurst Sheppard Apartments ("Bathurst Sheppard Apartments")

Please be advised that we are the solicitors for Bathurst Sheppard Apartments (the "Owner"), the owner of the properties municipally known as 4838 Bathurst Street and 569 Sheppard Avenue West (the "Site"). The Owner has monitored the process with respect to the proposed new City-wide Zoning By-law and wants to ensure that its existing zoning rights for the Site are not negatively impacted in any way. Unfortunately, in reviewing the draft of the proposed new Zoning By-law that is before the Committee, the Owner has not been able to determine with certainty that its existing zoning rights are fully protected and that those rights are not undermined by other proposed new zoning provisions.

We have reviewed the draft of the proposed Zoning By-law before the Committee and note the zoning for the property is "Former General Zoning By-law North York 7625". The Owner supports the continued exclusion of the Site from the application of the proposed Zoning By-law, however, it is not clear to the Owner whether it is the intention of the proposed Zoning By-law to recognize site-specific amendments to the Former General Zoning By-law North York 7625. The Site has been rezoned pursuant to Site-Specific Zoning By-law 535-2010 (OMB). We note the proposed Zoning By-law does not reference this zoning instrument.

We are also concerned that the process of adoption for the proposed Zoning By-law does not permit us to know what its exact contents will be until after it's adopted by City Council. As you know, motions can be brought forward on the City Council floor to revise the proposed Zoning By-law before its adoption and the public will not have the opportunity to speak to those revisions.


Accordingly, please accept this letter as a request that the City ensure that all of our client's existing rights as provided for under the Former General Zoning By-law North York 7625 (together with all amendments thereto) are not negatively impacted by the provisions of the new Zoning By-law. Until such time as our client is satisfied by the City that its existing zoning rights are not prejudiced in any way the Owner objects to the adoption of the new Zoning By-law as it relates to the Site.

If the City could provide us with confirmation that the new Zoning By-law does not make any changes whatsoever to the existing zoning rights of our client, then we would be pleased to review that information. However, until such time as that confirmation is received from the City, our client maintains its objection to the proposed Zoning By-law.

Kindly provide the writer with notice of all further actions with respect to this matter including Notice of Passing of the proposed Zoning By-law. In addition, kindly ensure that this written submission is forwarded to City Council for its consideration prior to the adoption of the proposed Zoning By-law.

Should you require anything further with respect to this matter, kindly contact the writer at your earliest convenience.

Yours truly,
Fraser Milner Casgrain LLP



Mark A. Piel
MAP/ss

Enclosure: Site-Specific Zoning By-law 535-2010 (OMB)

c.c. Bathurst Sheppard Apartments

1498247_1|NATDOCS

CITY OF TORONTO

BY-LAW No. 535-2010(OMB)

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 569 Sheppard Avenue West and 4383 Bathurst Street.

WHEREAS the Ontario Municipal Board pursuant to its Decision/Order No. 0003 issued on January 6, 2005, upon hearing the appeal of Microbjo Properties Inc., Newrey Holdings Ltd., Damis Holdings Ltd., Sabel Holdings Ltd. and Fredzag Holdings Ltd., under Section 22(7) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend Zoning By-law No. 7625 of the former City of North York;

THEREFORE Zoning By-law No. 7625 of the former City of North York is amended by the Ontario Municipal Board as follows:

1. Schedules "B" and "C" of By-law No. 7625 are amended in accordance with Schedule "1" of this by-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

64.20-A(115) RM6(115)

PERMITTED USES

- (a) In addition to the uses permitted in the RM6 zone the following uses are also permitted, on the first floor only:

automatic laundry shops,
banks,
billiard parlours,
bowling alleys,
business and professional offices,
commercial recreation,
commercial schools,
dry-cleaning and laundry collecting establishments,
fitness centres,
personal service shops,
retail stores,
service shops, and
studios.

EXCEPTION REGULATIONS

- (b) The yard setbacks shall be as set out on Schedule "RM6(115)".
- (c) The minimum distance between buildings and/or portions of buildings shall be as set out on Schedule "RM6(115)".
- (d) The gross floor area shall not exceed 28,600 m².

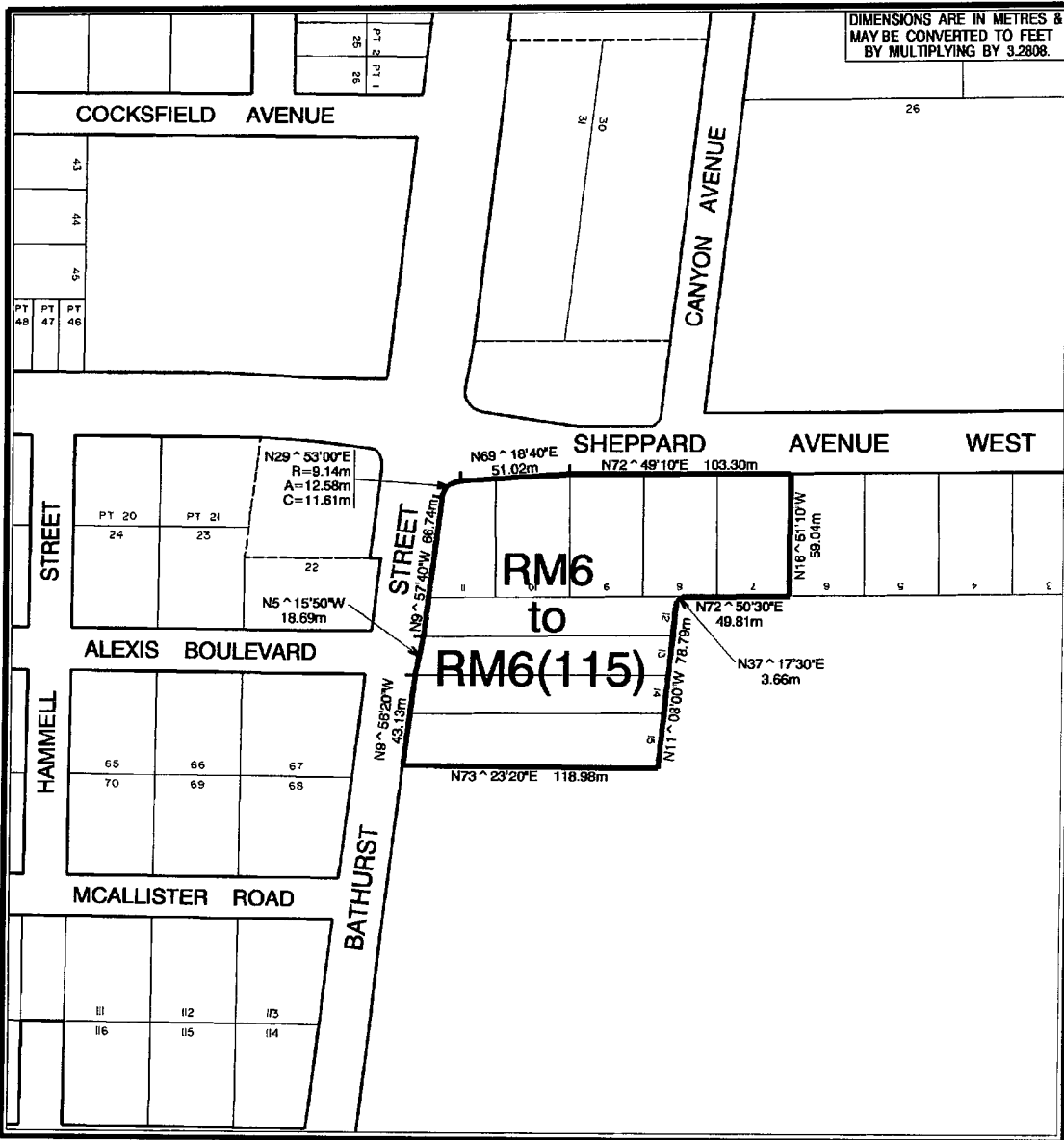
- (e) The maximum number of dwelling units shall be 286.
- (f) The maximum *Building height* shall be 13 storeys. *Building height* is defined as set out in section 2.10 of By-law No. 7625.
- (g) Parking
 - A) A minimum of 1.5 parking spaces per dwelling unit shall be provided for Building C on Schedule "RM6(115)" of which 0.25 shall be for the use of visitors to Building C.
 - B) A minimum of 324 parking spaces shall be provided for the Buildings A and B on Schedule "RM6(115)" plus 42 parking spaces for the use of visitors to Building A and B.
 - C) A minimum of 3 parking spaces shall be provided for the non-residential uses in Building C on Schedule "RM6(115)".
- (h) Section 6A(16)(d)(iv) referring to access to loading spaces shall not apply.

SECTION 37 AGREEMENT

- (i) The owner of the lands set out in Schedule "RM6(115)" shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements shall be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase in gross floor area and number of units authorized under subsections (j) and (k):
 - A) Maintain the 286 existing rental units in the two existing apartment buildings as rental for a minimum period of 15 years calculated from the date the Zoning By-law Amendment comes into effect, and make no application for demolition or for the purpose of condominium registration during the 15 year period;
 - B) Make a contribution of \$111,738.96 to undertake those improvements to the existing rental apartment buildings as described in further detail in the Section 37 Agreement; and
 - C) Not make an application for a rent increase above the Provincial Rent Increase Guideline for the above-noted capital expenditures or portions thereof for the amount of \$111,738.96.

- (j) Additional gross floor area of 19,068 m² above the gross floor area specified in subclause (d) shall be permitted resulting in a total gross floor area of 47,668 m² on the overall site zoned "RM6(115)".
 - (k) An additional 167 dwelling units above the number of units specified in subclause (e) shall be permitted resulting in a total dwelling unit count of 453 on the overall site zoned "RM6(115)".
 - (l) The provisions of this exception shall apply collectively to the lands zoned "RM6(115)" notwithstanding their future severance, partition or division for any purpose.
 - (m) Building permit issuance for the proposed development shall be dependant upon the satisfaction of the provisions of Sub-clause (i) of this Zoning By-law Amendment and of the provisions of the Section 37 Agreement relating to the building permit issuance.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6(115)", attached to this by-law.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MAY 5, 2010 IN BOARD CASE FILE NO. PL040139.




This is Schedule " 1 " to By-Law _____
 passed the _____ day of _____, 20 ____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

Location: Lots 7,8,9, 14 and 15 and Part of Lots 10,11,12 and 13, R.P. 3428, City of Toronto

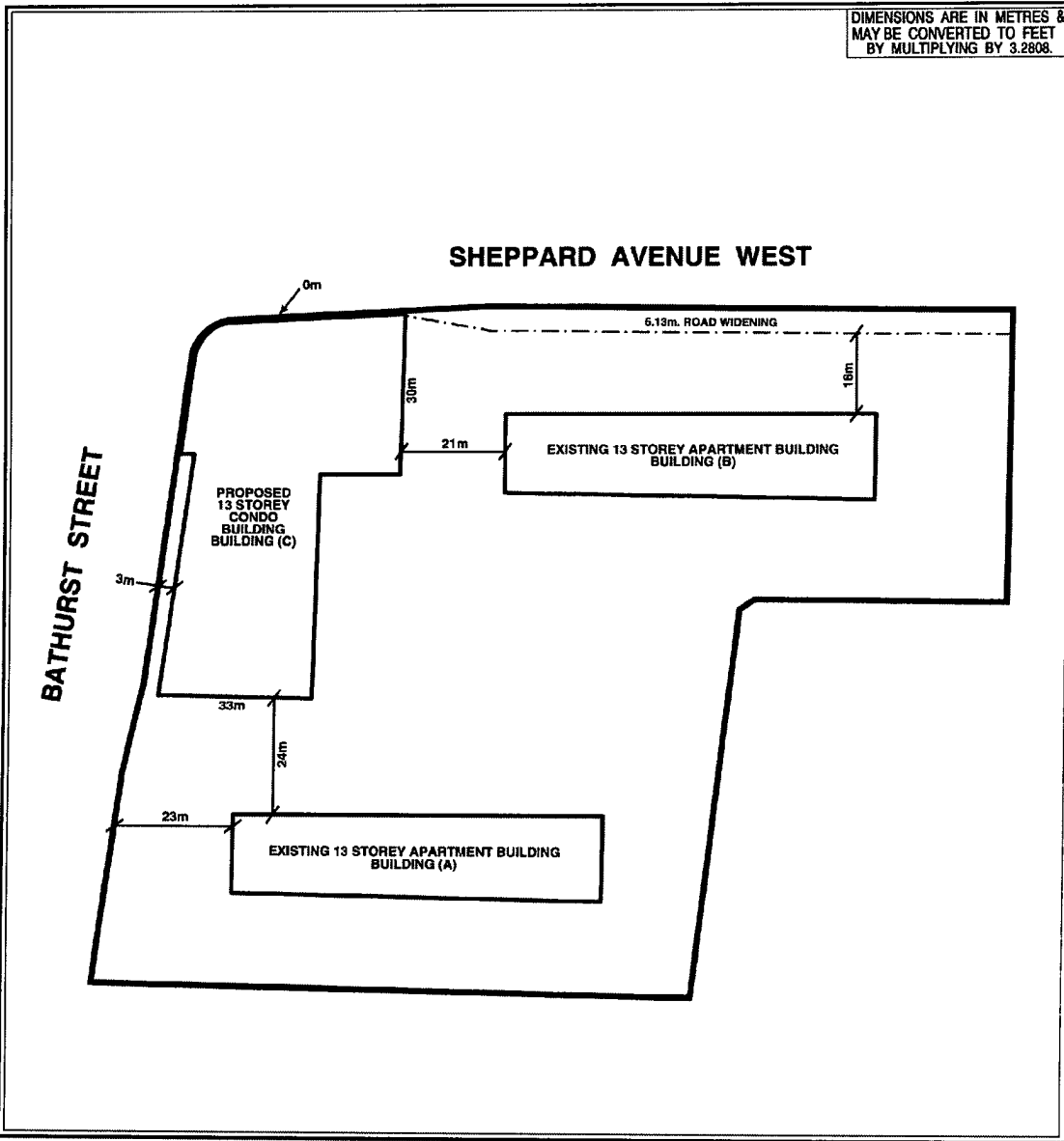
File: UDOZ-0017 | **Prepared by: A.A.** | **Approved by: K.W.** | **Date: APRIL 16, 2002** | **Filename: RM6(115)**

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.



TORONTO
 City Planning Division
 North District

SUBJECT PROPERTY



DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.


This is Schedule "RM6(115)" to By-Law _____
passed the _____ day of _____, 20 _____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR



Location: Lots 7,8,9, 14 and 15 and Part of Lots 10,11,12 and 13, R.P 3428, City of Toronto

File No.	UDOZ-00-17	Prepared by:	A.A.	Approved by:	K.W.	Date:	April 22, 2002	Filename:	RM6(115).ai
----------	------------	--------------	------	--------------	------	-------	----------------	-----------	-------------

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.



City Planning Division
North District

SUBJECT PROPERTY