

SHERMAN · BROWN · DRYER · KAROL  
BARRISTERS & SOLICITORS

November 13, 2013

City of Toronto  
Policy & Research  
Metro Hall  
22nd Floor, 55 John Street  
Toronto, ON M5V 3C6

Planning and Growth Management Committee  
10th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Mr. Paul Bain, Project Manager, Official Plan Review**

**Attention: Ms. Nancy Martins, Secretariat**

Dear Sir/Madam:

**Re: Request for exemption from the Tippet Road Area proposed Site and Area Specific Policy or Secondary Plan- 30 TIPPET ROAD**

As you are aware, we are the solicitors for Siglat Investments Inc., the beneficial owner of the property municipally known as 30 Tippet Road (the "Site") in the former City of North York. The current owner of the Site is Build Toronto. The Site is located on the south side of Wilson Road, east of the Allen Road and west of Bathurst Street. More specifically, the Site is located at the south west corner of Wilson Avenue and Tippet Road. The Site is well served by public transit with the Downsview TTC Station abutting the westerly edge of the Site. The Site is currently occupied by a 192 vehicle TTC commuter parking lot with no buildings on the Site. The Site is designated as an "Avenue" pursuant to the Urban Structure Section of the City of Toronto Official Plan and is designated as an "Employment Area" pursuant to the Land Use section of that same Official Plan.

Our client submitted applications for an Official Plan Amendment and Zoning By-law Amendment to permit the Site to be developed with two mixed-use condominium buildings and grade related townhouses. Since that time, our client and their consultants have attended numerous meetings including with City Staff, the local councillor and the local community, all of which have resulted in several revisions to our client's proposal.

On February 16, 2012, the writer attended before the Planning and Growth Management Committee of the City of Toronto, at which time we requested specific confirmation that the frontage of our client's lands was located within an "Avenue" pursuant to the Urban Structure Section of the Official Plan, which confirmation would specifically allow our client's site specific application for rezoning to proceed in advance of the completion of the City's Five Year Municipal Comprehensive Review.

I have attached hereto a copy of the minutes of the above-referenced Committee Meeting, which specifically states:

1. "The frontage of the site is determined to be located within an Avenue under Map 2 of the City of Toronto Official Plan."
2. "Direct City Planning Staff to proceed to process the owner's application for the entire site covered by the application"

Our client has now reviewed the Employment report and draft official plan amendment including Site and Area Specific Policy No. 387 for the Tippet Road Area which calls for a "framework for new development on the lands, including our client's Site, to be set out in either a Secondary Plan or a Site and Area Specific Policy". City Staff had made it clear to our client that they do not view the prior resolution of the Planning and Growth Management Committee as exempting our client's lands from the application of the "Municipal Comprehensive Review".

In light of the fact that the Planning and Growth Management Committee, which in our opinion has already exempted our client's lands from the application of the Employment Policies, we would respectfully request that City Staff respect the specific direction of Council, which does not require the processing of our application to be held up in any way whatsoever as a result of the City's continued study of a proposed Secondary Plan or Site and Area Specific Policy. Once again, those policies, which are being considered as part of the "Municipal Comprehensive Review," do not apply to our client's lands which Council has deemed to fall within the "Avenue" designation of the Urban Structure Section of the Official Plan, and as such, our client's application should continue to be processed in the ordinary course.

However, given that the previous recommendation was not followed by City Staff, we would ask that a further clarification be brought forward to ensure that there is no doubt when processing our client's applications that the new policies **do not apply**.

Should you have any questions or require any additional information, please do not hesitate to contact the writer, or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,



Adam J. Brown

Cc: Councillor James Pasternak  
Mr. Gerry Rogalski, Official Plan Review, North York District  
Mr. John Andreevski, Community Planning North York District  
Mr. Marco Ventola, Shiplake Developments Ltd.  
Mr. Michael Goldberg, Goldberg Group