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**File No. 020088/000003**

November 20, 2013

**Delivered by Email (pgmc@toronto.ca)**

City Clerk  
City Hall  
100 Queen Street W  
10<sup>th</sup> Floor  
West Tower  
Toronto, ON M5H 2N2

Attention: Nancy Martins, Administrator, Planning and Growth Management Committee

Dear Members of Planning and Growth Management Committee:

**Re: Kingsberg Property Investments Limited and Kingsberg Monetary Corporation  
City File: Proposed Official Plan Amendment Pertaining to Economic Health  
and Employment Lands Policies and Designations  
Property: 850-858 York Mills Road  
Planning and Growth Management Committee meeting November 21, 2013, item  
PG28.2**

We represent Kingsberg Property Investments Limited and Kingsberg Monetary Corporation (“Kingsberg”), owner of the property municipally known as 850-858 York Mills Road, Toronto, Ontario (“the Property”). The Property is located at the northwest corner of York Mills Road and Lesmill Road. The Ontario Municipal Board (“OMB”) has approved a zoning amendment for the Property as set out in its March 12, 2013 Board Order with the final Order pending Site Plan Approval and resolution of transportation matters (PL 111112). Currently, the transportation matters have been resolved and we are in the process of clearing conditions from the Notice of Approval Conditions (“NOAC”).

#### **Site**

The Property is located at the northwest corner of York Mills Road and Lesmill Road. The Property is currently vacant employment lands. The approved Home Depot development, manufacturing and offices are to the north and west of the Property.

#### **Proposal**

The zoning approval rezoned the Property from Industrial-Office Business Park (MO6) to Industrial-Office Business Park (MO46). The total gross floor area (“gfa”) of development is to

be 11,260 sq.m. and total gfa for all retail store uses is to be 1,450 sq.m. The maximum gfa of each retail or service shop is to be 415 sq.m. We are currently clearing NOAC conditions for site plan approval.

### **Request**

The Property is zoned General Employment Area in draft OPA 231 (Employment policies), which our client agrees. Our request is to simply clarify our understandings of the status of draft OPA 231 once approved by the City with respect to the Property.

In light of our client's approved zoning amendment for the Property with the final OMB Order pending site plan approval, our client's request is for Planning Committee to acknowledge the Property's development permission status. The Planning regime of when the zoning amendment was approved was through the City of Toronto Official Plan, adopted by City Council 2002 and OMB approved 2006 and 2010. As such, for the interpretation of the development permissions of the Property, one would logically review the City of Toronto Official Plan, adopted by City Council 2002 and OMB approved 2006 and 2010, and the OMB Order of March 12, 2013, as further amended. The confusion and inconsistency comes from reviewing the proposed Employment designation for the Property (General Employment Area) and the permitted uses in the approved MO(46) zone. General Employment designation does not permit university uses, place of worship and daycare, whereas MO(46) does expressly permit such uses. Although, our client may not be developing the Property with these uses, there is still the concern of inconsistency between the Official Plan Policies and Zoning By-law, once the draft Official Plan Amendment is adopted.

Furthermore, there does not appear to be any transitional policies for applications that are in the site plan approval stage. In this circumstance, from a planning perspective, the development permissions are set in the zoning by-law applicable to the Property and if in the future, a minor variance or another rezoning is required, the test would be against the approved Official Plan policies at that time.

We also spoke to Gerry Rugalski, City Planner for the North York area for this project. Mr. Rugalski, also had the same interpretation as expressed above.

Should this not be the case, please confirm in writing and we reserve the right to appeal this matter to the OMB, if required.

Furthermore, we kindly ask to be placed on the circulation list to receive any Committee/Council decisions relating to this matter.

Should you have any questions, do not hesitate to contact the undersigned.

Best regards,



May Luong, MCIP, RPP

cc: Ulli Watkiss, City of Toronto Clerk  
Paul Bain, Project Manager, City of Toronto  
Sean Gosnell, Borden Ladner Gervais LLP  
Client

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