

TE27.33.4

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October 16, 2013

Via E-mail

Toronto and East York Community Council
2nd floor, West Tower, City Hall
100 Queen St. W.
Toronto, ON M5H 2N2
Email: TEYCC@toronto.ca

Attention: Ms. Ros Dyers, Secretariat

Dear Sirs/Mesdames:

Re: Item TE27.33 - Ossington Avenue Planning Study and draft Official Plan Amendment ("OPA")

We are solicitors for 109 Ossington Ltd., the owners of lands known municipally as 103, 109-111 Ossington Avenue. On February 15, 2012, our client made applications to amend the zoning and for site plan approval to permit a 6-storey mixed use building on the east side of Ossington Avenue, south of Argyle Street (the "**Proposed Development**"). These applications were appealed to the Ontario Municipal Board on December 3, 2012.

We previously provided comments by letter on January 11, 2013, enclosed herewith, regarding the Ossington Avenue Planning Study (the "**Study**") and the December 2012 draft policy direction that was developed as part of the Study. It remains our client's position that any emerging policies resulting from the Study, which was commenced several months after the submission of the applications for the Proposed Development, do not apply to our client's applications or appeals. Our client will oppose any attempt to use the emerging policies in an effort to frustrate the ongoing appeal process.

In addition, the latest version of the Study and the draft OPA propose to limit properties in Area 2 of the study area to 5-storeys in height – the Proposed Development is located in Area 2. The original December 2012 policy direction, which arose out of the community consultation sessions held in late 2012, recommended 6-storeys in height for Area 2. While our client continues to have concerns with aspects of the December 2012 draft policies, the new, more restrictive height limit for Area 2 appears to be the direct result of pressure from a single community organization, and is not supported by a clear planning rationale. The 5-storey limit conflicts with Planning Staff's Request for Direction report relating to the Proposed Development (dated May 16, 2013) and Council's decision to support a 6-storey development at 41 Ossington Avenue (November 29, 2011).

Further, Planning Staff did not consult with our client, or other landowners in Area 2 with respect to this change. At a minimum, this matter should be deferred to allow for consultation to occur with the affected landowners of Area 2.

Yours very truly,

GOODMANS LLP

David Bronskill
DJB/NJS

cc. Client and Consultants

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January 11, 2013

Our File No.: 12-1996

By Registered Mail

City Hall, Planning Department
Toronto and East York District
100 Queen St W, Floor 18E
Toronto, ON M5H 2N2

Attention: Mr. Thomas Rees

Dear Mr. Rees:

Re: Ossington Avenue Planning Study and draft policy direction

We are solicitors for 109 Ossington Ltd., the owners of lands known municipally as 103, 109-111 Ossington Avenue. On February 15, 2012, our client made applications to amend the zoning and for site plan approval to permit a 6-storey mixed use building on the east side of Ossington Avenue, south of Argyle Street (the "Proposed Development").

We have reviewed the draft policy direction for an area-specific official plan policy that was presented by the City on December 13, 2012 as part of the ongoing Planning Study for Ossington Avenue. Although the Ossington Avenue Planning Study was initiated after our client's applications were submitted to the City, our client has several concerns with certain aspects of the draft policy direction that are inconsistent with the Proposed Development.

In particular, our client is concerned that persons might attempt to use the draft policy direction to suggest changes to the Proposed Development or to frustrate the ongoing appeal process.

As such, we are requesting clarification from the City that the Ossington Avenue Planning Study, and any policy direction arising from the study, is not to be applied to the existing applications for the Proposed Development. We look forward to working with the City through the planning and appeal processes and to receiving such clarification.

Yours very truly,

GOODMANS LLP

David Bronskill
DJB/NJS

cc. Councillor Mike Layton
Client and Consultants

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