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November 18, 2013

Chair and Members
Toronto and East York Community Council
c/o Ros Dyers, Council Secretariat
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Dear Sirs/Madams:

Re: 2131 Yonge Street and 32 Hillside Avenue East
TEYCC, Tuesday, November 19, 2013
Item No. TE28.10 (the "Report")

We are the solicitors for 2292446 Ontario Limited, (the "Owner"), being the owner of the property municipally known as 2131 Yonge Street and 32 Hillside Avenue East.

On January 15, 2013 the Owner made an application for a zoning by-law amendment and official plan amendment in respect of the property (Application No. 13 105888 STE 22 OZ, the "Application"). On August 19, 2013 the Owner appealed the Application to the Ontario Municipal Board, pursuant to s. 34(11) of the *Planning Act*, for failure to make a decision within the required time (OMB Case No. PL130924, the "Appeal").

The Report recommends refusal of the Application. It is our client's submission that, in accordance with s. 34(11.1) of the *Planning Act*, it is contrary to law and otherwise inappropriate for Council to refuse the Application at this time given that it is the subject of an active appeal to the Ontario Municipal Board.

We request, in any event, that the Report be deferred in order to provide an opportunity to resolve the concerns raised by City Staff therein. We are hopeful that this opportunity will provide for a productive dialogue between the Owner and the City.

If Council does decide to adopt the Report in some form, despite this submission, we would then request that the recommendations be amended to direct the City Solicitor to participate in and cooperate with any official Ontario Municipal Board mediation that may be requested by other parties to the Appeal.

We will be in attendance at the Community Council meeting to speak to this matter. Should you wish to discuss this in advance or require any further information, please feel free to contact the undersigned.

Sincerely,

Cynthia A. MacDougall

c: Councillor Josh Matlow
Tim Burkholder, Community Planning
Gord Whicher, City Solicitor