

**Francine Adamo - North York Community Council Agenda Item No. NY33.17**

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**From:** Ashley Bridgeman <abridgeman@airdberlis.com>  
**To:** "fadamo@toronto.ca" <fadamo@toronto.ca>  
**Date:** 06/17/2014 8:36 AM  
**Subject:** North York Community Council Agenda Item No. NY33.17  
**CC:** "councillor\_pasternak@toronto.ca" <councillor\_pasternak@toronto.ca>, "...  
**Attachments:** image003.jpg; image004.jpg; Letter to NYCC - June 17, 2014.pdf

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Good Morning,

Please see the attached correspondence with respect to the above-noted Agenda Item. Please file with the Council.

Thank you,  
Ashley

**Ashley Bridgeman**

Assistant to Eileen P.K. Costello and Sidonia Loiacono

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# AIRD & BERLIS LLP

Barristers and Solicitors

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June 17, 2014

BY EMAIL

North York Community Council  
North York Civic Centre  
Main floor, 5100 Yonge St.  
Toronto, ON M2N 5V7

Attention: Francine Adamo

Dear Community Council Members:

**Re: North York Community Council Agenda Item No. NY33.17**

**Through Traffic Restriction - Kennard Avenue and William R. Allen Road  
Request for Deferral**

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Please be advised that Aird & Berlis LLP has been retained by Rimrock Plaza Inc., which is the owner of the property municipally known 1115 Lodestar Road & 150, 160, 170, 180 Rimrock Road (the "property").

In February, 2010 our client executed a site plan agreement with the City of Toronto to permit an expansion to the existing plaza located to the south of the property. The property had remained vacant and undeveloped for over six years because of access and intersection concerns. In order to bring forward its development proposal (for three one storey commercial buildings) our client made a significant contribution via section 41 of the *Planning Act* of \$140,258.00 to secure the signalization of the intersection of Allen Road, Kennard Road and the site access driveway in order to ensure full moves access into and out of the plaza.

Our client received a letter from City of Toronto Transportation Services dated May 6, 2014 – Ref: TI – SGDL01-SR # 5970331 wherein it learned, for the first time of the proposed restrictions to turning movements exiting the plaza. Our client was not notified previously of any concerns on the part of area residents nor was it invited to advise if its tenants and their customers had observations on the intersection.

In response to the staff letter, our client has asked its transportation consultant, GHID to undertake observations in respect of the area. GHID's initial observations indicate that the proposed restrictions may not be the most effective way to address traffic concerns in the area and will be difficult to enforce, thereby raising the real question of compliance. However, those restrictions if enforced would have a disproportionately negative impact on the operations of our client's plaza as it would restrict access during the peak periods.

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Moreover, as our client's existing leases with its tenants have requirements in respect of maintaining full access to the plaza any restrictions will have an immediate adverse impact on its operations and could be prejudicial to its ability to maintain high quality tenants.

**Accordingly, on behalf of our client we are requesting that this matter be deferred and that no decision be made on the staff recommendation at this time.** Additionally, we are requesting that Community Council direct staff to meet with our client and its engineering consultant to explore alternative options to address the alleged traffic congestion in the area.

We appreciate Community Council's consideration of this request.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPC/ab

cc. Councillor Pasternak  
Client  
Tony Volpentesta, Bousfields Inc.  
Wayne Kay, GHD  
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