

February 12, 2015

Chair and Members of
Government Management Committee
City of Toronto
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Sir/Madam:

**RE: Agenda Item No. GM2.8 for Meeting Convened on February 17, 2015/
Release of Covenant on Title to 28 Hedgewood Road/ Reference Number:
P:\2015\Internal Services\RE\Gm15003re (AFS # 20752)/ Our File No. K315**

My firm acts as solicitors for Narges Ehsani-Armaki, the owner of 28 Hedgewood Road. I am submitting this correspondence to you in support of the recommendations set out in the report from the Chief Corporate Officer to accept the Offer made by my client to secure the release of the restrictive covenant currently registered on title to her property. The details of the offer are set out in the staff report which I will not repeat. However, I would like to summarize the reasons for my client seeking the release of this covenant.

28 Hedgewood Road is currently occupied by a single family detached dwelling which has been owned by the family since September 30th, 2013. The property comprises two whole lots on a plan of subdivision (Lots 77 and 78, Plan 1750) together with a portion of a former road allowance known as Beechwood Avenue, which was closed by the former City of North York and subsequently conveyed by the municipality to a former owner of my client's property in the early 1990's. The property today comprises a large parcel with a frontage of 53.06 metres and an area of 1738.38 square metres.

It was at the time of this conveyance to the former owner that the restrictive covenant in favour of the municipality was registered against the property. The effect of the restrictive covenant was to preclude a use of the conveyed road allowance in conjunction with the original lots for the purposes of a severance.

Following my client's acquisition of the property, they decided that it would be desirable for the family if the property could be severed in order to re-establish the site as two separate parcels upon each of which would be constructed a new single family home. It is their intention for each of the new homes to be occupied by family members; in this

case one home to be occupied by Mr. and Mrs. Armaki and the second by their daughter and her family.

In order to pursue their plans, the Armakis contacted both real estate and planning staff regarding the process for seeking release of the restrictive covenant. They were advised of the necessity for planning approvals being secured for the severance and any related minor variances required for the construction of the new dwellings. They were also advised that subject to the planning applications being approved, which staff indicated they could support, the covenant could be released subject to the payment of a fee to the municipality.

After these consultations with staff, planning applications were subsequently filed and ultimately approved by the Ontario Municipal Board in a decision released last October. While a number of minor variances were approved related to the two new buildings no variances were required for the dimensions or areas of the severed parcels, both of which exceeded the minimum requirements of the zoning by-law.

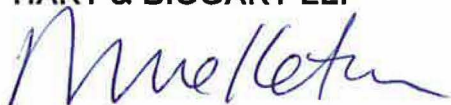
At the OMB hearing of the planning applications, a number of area residents attended the hearing and opposed the severance application based on concerns related to the proposed creation of the two new lots. At the hearing, it was my client's position that she would be willing to work cooperatively with the neighbours to address any issues related to the provision of landscaping and/or architectural treatment of the buildings; that remains her position today.

Following the issuance of the OMB decision approving the planning applications, my client submitted the offer which is the subject of the favourable staff recommendation before you. The offer provides for the release of the covenant based on a payment which has been found by your staff to represent a fair value to the City and allows for a development to proceed which represents good planning and would be in the interest of both my client's family and the community.

On behalf of the family, they hope that you will support the staff recommendation before you today.

Yours very truly,

**RITCHIE KETCHESON
HART & BIGGART LLP**



Bruce C. Ketcheson
BCK/es
cc: Client