



Overland LLP  
**Christopher J. Tanzola**  
 Tel: (416) 730-0337 x. 112  
 Direct: (416) 730-0645  
 Email: ctanzola@overlandllp.ca

November 15, 2015

**VIA EMAIL**

Mayor John Tory and Members of City Council  
 Toronto City Hall  
 100 Queen Street West  
 Toronto, Ontario M5H 2N2

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

Your Worship and Members of Council:

**RE: Item PG8.5 – Official Plan Five Year Review: Final Recommendation Report  
 – Amendments to the Healthy Neighbourhoods, Neighbourhoods and  
 Apartment Neighbourhoods Policies of the Official Plan**

We are the lawyers for 2397623 Ontario Ltd. and 2426684 Ontario Ltd. Our clients have applied to the City of Toronto for an Official Plan Amendment, a Zoning By-law Amendment, and Site Plan Approval for the property at 36-40 Churchill Avenue in the former City of North York (File No. 14 260003 NNY 23 OZ). The property is located west of Beecroft Road on the north side of Churchill Avenue and is designated *Neighbourhoods* in the Official Plan.

By way of chronology: the planning applications were filed on December 3, 2014 and were deemed complete on January 14, 2015. City Staff wrote a Preliminary Report dated January 28, 2015, which was considered by North York Community Council on February 18, 2015. A Community Consultation meeting was held on May 20, 2015.

On July 9, 2015, our clients appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Ontario Municipal Board and a hearing has been scheduled for February 2015 (OMB Case No. PL150631).

A Directions Report dated August 19, 2015 was considered by Community Council on September 8, 2015 and by City Council on September 30, 2015.

We have reviewed the recommendations of the Staff Report and the draft Official Plan Amendment in the above-noted Item PG8.5 and we are writing to express concern on behalf of our client that the proposed changes to the *Neighbourhoods* and *Apartment Neighbourhoods* policies should not be used to prejudice the evaluation and adjudication of our clients' development proposal and planning applications at the Ontario Municipal Board. This concern extends to the possibility that the proposed policies might be modified by the Committee or Council or on appeal by other parties.

To the extent that the proposed changes to the *Neighbourhoods* and *Apartment Neighbourhoods* policies can be interpreted to inappropriately limit development opportunities in spite of provincial policies and other policies of the Official Plan encouraging appropriate infill and intensification, our clients object thereto.

Please provide us with notice of the Planning and Growth Management Committee's decision on this item, as well as the decision of City Council with respect to this item and any resulting Official Plan Amendment. Furthermore, please provide notice of any further public meeting, committee meeting, or Council meeting on this matter. Our contact information is provided above and below.

Yours truly,

**Overland LLP**



Per: Christopher J. Tanzola  
Partner  
c. Client