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BARRISTERS & SOLICITORS

December 11, 2014

Our File No.: 00-1733

City of Toronto
Clerk's Department
100 Queen Street West
Toronto, ON, M5H 2N2

Attention: Mayor and Members of Council

Re: REQUEST TO DISMISS the Motion of Councillor Fletcher, the approval of which will result in IRREPERABLE FINANCIAL DAMAGES to the owner of the property municipally known as 777 Dundas Street East in the City of Toronto

ITEM TE.28 – Toronto and East York Community Council

We are the solicitors for 1844448 Ontario Limited, the owner of the property municipally known as 777 Dundas Street East (the "Site") in the City of Toronto. The Site is located in an area commonly referred to as "South Riverdale", which area is immediately east of the Don Valley Parkway and north of Lake Shore Boulevard East. The Site is designated "Employment Area" on the Land Use Map (Map 18) pursuant to the City of Toronto Official Plan. The Site is zoned "I2 D3" pursuant to the City Toronto Zoning By-law No. 438-86 (the "Old By-law"), which zoning designation permits a wide range of non-residential uses, including car dealerships. The Site provides an excellent opportunity to introduce a well-suited car dealership on a Site that is currently vacant.

On July 26, 2014 our client submitted a Complete Application for Site Plan Approval to facilitate the construction of a car dealership, which use and built form were in full compliance with all zoning standards, which use is one which implements the City's desire to create employment generating uses on employment designated sites. In addition to submitting a site plan that fully complies with the "in force" official plan and zoning, our client held extensive pre-consultation meetings with City Staff and TRCA Staff, all of which resulted in a cooperative consultation process with City Staff advising they were in a position to release the Site Plan approval in October of this year (15 months after the process had commenced).

During the Site Plan process, which is the only planning process other than a building permit process which does not require a public hearing given that it is a process which simply implements the "as of right zoning", our client was advised that the Councillor had "bumped up" the site plan application despite our client's application fully complying with all official plan and zoning provisions. Nevertheless, despite the willingness of our client to consult with any interested party, including the general public at any time during the process, neither the Councillor's office nor City Staff could advise our client's consulting team why the request had been made. The Councillor was aware of the application during the prior 15 months since the application was submitted (this was not simply something that came up during the election hiatus), and not once did she ever contact our client's

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THE INDIVIDUAL LAWYERS NAMED ABOVE PRACTISE IN ASSOCIATION WITH ADAM J. BROWN PROFESSIONAL CORPORATION

consulting team and/or the client directly and/or City Staff to direct that a public information meeting be held (which again, our client would have agreed to attend). To claim that an appeal was filed when the Councillor was not available is to ignore the 15-month history of the application.

Our office only became involved when the client and consulting team were in a position where all approvals were available, yet the entire development was becoming jeopardized by the City's inability to release the site plan agreement without the Councillor's "bump down" of the Site Plan. We were contacted in late September of this year when the process was "coming to an end", at which time I personally contacted the Councillors office to advise of the financial deadlines which were approaching for our client, requesting that the Councillor "bump down" the site plan application. The Councillor would not agree, with her assistant citing the election hiatus as a reason, despite the fact that the application had been in the queue for almost 15 months.

This is a situation where there was no basis whatsoever to hold up the application, with over 15 months during which the Councillor had the opportunity to hold a public hearing should she have wished to do so. Not once, during those 15 months, did the Councillor ever contact our client or its consultants to request their attendance at a public hearing. The OMB appeal, was necessitated solely by the unwillingness to "bump down" the application, which hearing was completed within an hour given that the City and the applicant were in complete agreement as to all of the terms of Site Plan Approval. Our client did not push this through during the election; our client patiently cooperated for over 15 months, with the local Councillor never once moving forward to schedule a public hearing (despite none being required under the planning act).

Our client went through a cooperative 15-month process on an application that fully complies with the employment official plan and zoning provisions for the Site, and is an application that will bring significant employment opportunities to the City. The Councillor's motion, in essence, has already impacted the release of the first round of permits, despite the fact that in the writer's respectful submission, there is no legal basis to do so. We urge City Council to dismiss the motion noted herein and allow the permits to properly issue. If the permits are delayed, the delay has the potential to result in irreparable harm and significant financial damages to our client, with the entire proposal being jeopardized by a step that we respectfully submit is neither appropriate, legal and/or warranted in the circumstances.

Yours very truly,



Adam J. Brown

cc: Mr. T. Wall (City Legal)
Mr. Sylvester Chuang, Auto World Imports Inc.
Mr. Craig Hunter, Hunter and Associates Inc.