

January 18, 2016

File No.: 237611-613

SENT VIA E-MAIL: teycc@toronto.ca

Toronto and East York Community Council
2nd floor, West Tower, City Hall
100 Queen St. W.
Toronto ON M5H 2N2

Attention: Ms. Ros Dyers, Committee Secretariat

Dear Sirs/Mesdames:

RE: Item TE13.31 - Permanent Closure to Vehicular Traffic of a 0.3 Metre Wide Strip of the East Limit of Hillside Drive at the rear of 1132 Broadview Avenue

We are the solicitors for The Governing Council of The Salvation Army in Canada (The Salvation Army), the owner of the lands municipally known as 1132 Broadview Avenue. We hereby request that Community Council refuse the recommendations of the Director of Transportation Services, Toronto and East York District, as set out in the report dated December 2nd, 2015 and not enact the draft by-law attached to that report for, but not limited to, the reasons below.

The Salvation Army's property is the only parcel of land that is affected by the proposed by-law to close to vehicular traffic an abutting 0.3 metre strip of land in the municipal right of way on Hillside Drive. The parcel is a large "through lot" with a frontage to the east along Broadview Avenue of approximately 83 metres in length and a frontage to the west along Hillside Drive of approximately 99 metres in length. The area of the lot is approximately 2.4 acres (0.98 hectares). The lands are the home of The Salvation Army's Broadview Village.

There is no evidence that an access /egress point from 1132 Broadview Avenue to Hillside Drive exists at this time, in which case the City's proposed action is entirely unnecessary. Even if there was an established access/egress point, we do not believe there would be any planning justification for closing access to a public right of way from an abutting parcel of land as large as the one in question; doing so does not make efficient use of available public infrastructure and abutting roadways.

If Community Council adopts the recommendations of the Director and enacts the draft by-law, there is reason to believe that the value of The Salvation Army's land will be negatively impacted on account of the fact that there will be no common law right to access/egress from the property to Hillside Drive. Though the City may have the statutory authority to enact the draft by-law, we believe that doing so constitutes an exercise of legislative powers in the nature of an expropriation for which our client may be entitled to financial compensation. Expropriations are governed by the *Expropriations Act* and we note that in this case, the City does not appear to have complied with any of the procedural requirements of that statute.

Our client reserves the right bring whatever action it considers necessary in order to protect its interests in the event Community Council accepts the Director's recommendations and enacts the draft by-law.

Yours truly,
Dentons Canada LLP



Mark A. Piel

MAP

c.c. The Governing Council of The Salvation Army
Mr. Joseph Debono, Dentons Canada LLP