

June 13, 2016

Our File No.: 112681

DELIVERED BY E-MAIL AND COURIER

City Clerk's Office
Toronto and East York Community Council
City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario M5H 2N2

Attn: Ellen Devlin, Administrator, Toronto and East York Community Council

Dear Ms. Devlin:

**Re: City-Initiated Request to Amend the Official Plan and Zoning By-Law Nos.
438-86 and 569-2013
143 Avenue Road, City of Toronto**

We are solicitors for Dash Developments Inc., the owner of lands known municipally as 143 Avenue Road in the City of Toronto (the "**Property**"). At a settlement hearing held on December 4, 2015 before the Ontario Municipal Board, our client obtained approval to redevelop the Property and construct a 10-storey residential building.

The Property is within the area to which the above-noted proposed Official Plan and Zoning By-law amendments (the "**Proposed Amendments**"), if enacted, would apply. Among other things, the Proposed Amendments take setback standards that currently reside in a set of guidelines (the "**Guidelines**") and import them into the City's zoning by-laws, with some modifications.

We write to express our client's concerns regarding the Proposed Amendments and request that Community Council defer its consideration of this matter.

In our client's view, Community Council's consideration of the Proposed Amendments is premature at this time. The Proposed Amendments would, if adopted, have significant implications for all tall building development sites in the *Downtown* area. Despite the significant impact of the Proposed Amendments, they have not been made available to our client for detailed review. Specifically, while the proposed Official Plan amendments have been available for some time, the accompanying zoning by-law amendments that

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are designed to implement these Official Plan policies were only made available days before the scheduled public meeting. With such limited access to all of the amendments under consideration, our client has not had a meaningful opportunity to understand the full extent of their implications. Likewise, the City has not had an opportunity to engage in meaningful consultation on the content of the proposed zoning by-law amendments. In these circumstances, deferring consideration of the Proposed Amendments is the most appropriate course.

Based on the information currently available, our client is of the view that the definition of “tall building” in the proposed Official Plan amendment is vague, and it is therefore unclear whether its policies are intended to apply to the Property. Furthermore, our client is concerned that the transition provisions in the Proposed Amendments do not adequately address previously-approved developments. More specifically, our client is concerned that the Proposed Amendments could unfairly impact its ability to obtain a building permit. Under the Building Code Act, the issuance of a building permit requires compliance with applicable law, including relevant zoning by-laws. As explained above, our client’s development was approved and corresponding amendments were made to the zoning regime applicable to the Property. If the Proposed Amendments are enacted and new zoning requirements are introduced, our client is concerned that it would be expected to comply with these new standards for building permit purposes.

Our client has expended significant resources designing its development to comply with existing zoning standards. In these circumstances, it would be extremely prejudicial if our client were prevented from obtaining a building permit for its development because of new zoning standards enacted after the development was approved.

Proper consideration of the Proposed Amendments at this time is not feasible in light of the limited information made available to the public, including our client. Accordingly, on behalf of our client, we hereby object to the Proposed Amendments and request that Community Council defer its consideration of this matter.

We would appreciate receiving notice of any decision regarding the Proposed Amendments.

Yours very truly,

GOODMANS LLP



David Bronskill
DJB/jbh