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File No. 703207

December 9, 2016

By E-Mail Only to clerk@toronto.ca

Ms. Ulli Watkiss
City Clerk
City Hall, 13th Floor, West Tower
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: His Worship, Mr. John Tory and Members of Council

Dear Mayor Tory and Councillors:

**Re: Item No. TE20.7
Zoning Amendment Application for 440, 444, 450 and 462 Front
Street West, 425, 439, 441 and 443 Wellington Street West, 6-18
Spadina Ave. and 1, 19 Draper Street (the "Project Lands")
File No. 14 116571 STE 20 OZ
Comments from Wesley Thuro, Owner 13 Draper Street**

We are counsel to Wesley Thuro, the registered owner of 13 Draper Street (the "13 Draper"). These lands are adjacent to, and back onto, the above-referenced Project Lands, the latter being the subject of an application for a zoning by-law amendment to permit a large development containing seven mixed-use buildings including several residential towers.

We write further to our letter to Dan Nicholson of October 26, 2016.

Our client's lands benefits from a single parking space at its rear (the "Parking Space"). The *only* access to the Parking Space is over a driveway running north from Front Street at the westerly boundary of the lands at 462 Front Street West (the "Driveway"). Our client regularly uses the Driveway to access the Parking Space, as did his predecessors in title. Through prescription, our client claims a right-of-way over the Driveway to access the Parking Space.

The proposed development of the Project Lands does not preserve the Driveway nor does it provide for any alternative means for our client to access the Parking Space. Instead, it appears the Driveway is to be converted to landscaping buffer



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and pedestrian walkway. This will completely eliminate our client's ability to use the Parking Space.

Accordingly, the proposed development must be revised in order to accommodate our client's continued use of the Driveway and access to the Parking Space. Such revisions are likely to have an impact on the internal use, layout, orientation and location of the building of the immediately adjacent proposed building. It is also possible these revisions may have ripple effects on other portions of the proposed development impacting building footprints, the pedestrian and vehicular circulation requirements and general site organization. Thus, revisions to the proposed zoning by-law amendment may be required.

Approval of the proposed zoning by-law amendment remains premature until the proposal has been revised to maintain access to the Parking Space and the implications of such revisions are assessed and addressed.

We therefore request that Council defer consideration of the zoning by-law amendment application for the Project Lands until this issue has been resolved.

A copy of this letter will be sent to the authors of the most recent Planning Staff report and we invite them to contact the undersigned to discuss this matter further.

Yours truly,

DAVIES HOWE PARTNERS LLP

Aaron Platt

AP:mm

copy: Dan Nicholson, Senior Planner, City of Toronto
Greg Lintern, Director Community Planning Toronto and East York District
Ray Kallio, City of Toronto, Legal Services Division
Client