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File No. 703410

November 6, 2017

**By E-Mail Only to [clerk@toronto.ca](mailto:clerk@toronto.ca)**

Mayor John Tory and Members of City Council  
City of Toronto  
12<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario  
M5H 2N@

*Attention: Marilyn Toft, Secretariat Contact*

Dear Mayor Tory and Members of Council:

**Re: City Council Meeting – November 7, 2017  
Agenda Item – Deferred Item EY23.73  
Draft Approval of Condominium – 2522-2542 Keele Street, Toronto**

We are counsel to Mizen Holdings Corporation, the owner of 2522 Keele Street in the City of Toronto.

As noted in the October 16, 2017 report from the Director of Community Planning, Etobicoke York District to Etobicoke Community Council, our client submitted an application for draft plan of condominium approval on March 7, 2017 to finalize details surrounding the development of an 8 storey mixed use residential and commercial condominium on its property, having previously obtained and finalized all of its planning approvals including necessary zoning by-law amendments and site plan approvals. No official plan amendment was required.

The draft plan of condominium implements its approved development which was subject to a significant amount of scrutiny since 2012. Zoning was approved in principle on August 27, 2013 and the final details for the completion of the zoning bylaw and the site plan were worked out with City staff on consent. The OMB issued a final order approving the zoning by-law on July 22, 2015, and a final order approving the site plan on March 9, 2017.

The application is at the implementation stage to finalize the details already approved by way of previous planning approvals. The principle of development, including the permitted use, density and height of the building has been established as has the

applicable zoning standards and site layout considerations through these previous approvals.

The only application before you, the application for condominium approval, has gone through the standard circulation process. Comments were received as is usual in any circulation process and our client has responded to all technical comments through ongoing discussion and a resubmission made on October 10, 2017. Staff now has all the material it needs to provide a final recommendation report to Council.

The above referenced report was considered on October 2, 2017 by Community Council. Rather than making a recommendation to forward the report to the first Council meeting following October 2, Community Council instead deferred it to the November 7th meeting without recommendation and further, carried a motion by Councillor Di Giorgio in connection with the item as follows:

*2b – Motion to Amend Item (Additional) moved by Councillor Frank Di Giorgio (Carried)*  
That Etobicoke York Community Council:

1. Request the City Solicitor to provide as soon as possible to the Ward Councillor, and to report directly to City Council on November 7, 2017, examples of zoning by-law amendment applications under the Planning Act, other than zoning amendment applications to lift an "H" provision, that proceed to the Ontario Municipal Board on appeal on the basis of delegated authority and without the benefit of a statutory public meeting at Community Council in compliance with the Official Plan, under the Planning Act prior to City Council passing the new Zoning By-law 569-2013.

It is puzzling why this motion is being brought in connection with the application before you. The application relates to a draft plan of condominium, not a zoning by-law. As noted above, the zoning by-law was approved in principle in 2013 and was finally approved by the Ontario Municipal Board, with the City's collaboration and consent in 2015. The approval was not appealed or challenged within the time frames permitted under the *Planning Act* and the *Ontario Municipal Board Act*.

This motion has no relevance or relationship whatsoever to the matter before you and should in no way slow down or delay Council's requirement to consider our client's application as required by the *Planning Act*.

In our view, this motion should be defeated given its lack of relevance to the matter at hand.

At the very least, we would ask that Council direct staff to provide its final recommendation report to Council for its next meeting and not defer the matter any longer, and certainly not pending receipt of the material requested in the motion which in no way can or will inform Council's obligations in relation to the matter before it – a draft plan of condominium.

We thank you for your consideration of this matter.

Yours sincerely,  
**DAVIES HOWE LLP**



Susan Rosenthal  
Professional Corporation

SR:am

copy: Client  
Alan Savage, YYZed Project Management Inc.