



**Re: Notice of Appeal
Draft Plan of Condominium
2522-2542 Keele Street, City of Toronto (the "Subject Land")
City of Toronto File No.: 17 125471 Wet 12 CD**

Summary

I understand that the applicant at 2522 Keele Street has appealed his draft plan of condominium registration to the OMB under Sec 51(34) of the Planning Act, claiming that the City failed to make a decision within the required 180 days. This appeal is reminiscent of the original zoning amendment appeal in form, purpose and substance where presumably the City failed to make a decision within 120 days. In a similar way, I believe this appeal raises serious issues related to transparency and conformity with Official Plan policies.

In my opinion, the appeal application is unwarranted, premature, pre-emptive and unjust. The appeal is unwarranted because Etobicoke York Community Council deferred further consideration of the application, until the applicant has submitted additional relevant information to the City including agreements that permit shared facilities or services by the residential condominium and the remnant portion of the building. Moreover, the appeal is premature because it obscures the fact that the applicant cannot satisfy necessary conditions for draft plan approval and the appeal may constrain the authority of Community Council.

Therefore, it is imperative that Community Council utilize safeguards available under the Planning Act to ensure that the interest of all parties are protected including both local community residents and new building residents who are entitled to party status. I am alarmed that crafty and ill-advised planning may be used to hinder procedural fairness, due process and strict adherence to Official Plan policies.

Motion

That Etobicoke York Community Council request the City Solicitor to submit a report to Etobicoke York Community Council to examine whether an appeal under Sec 51(34) of the Planning Act may be used to avoid scrutiny of applicable conditions that would respect the intent of zoning amendments and conformity with Official Plan policies both prior and subsequent to approval of Official Plan Amendments.