

NY19.33.12

North York Community Council

From: Chelsea Freeman <CFREEMAN@weirfoulds.com>
Sent: Thursday, January 12, 2017 4:32 PM
To: North York Community Council
Cc: Barnet Kussner; Paul Chronis; mgoldberg@goldberggroup.ca; Roman Zhardanovsky
Subject: North York Community Council (NYCC) Meeting January 17, 2017 Item NY19.33
Attachments: (Grmada) letter to F. Adamo dated January 12, 2017 re_ Secondary Plan Review_10028471 (1).PDF

Please refer to the attached letter of today's date, from Barnet Kussner of our office in respect of the above-noted referenced NYCC agenda item.

Regards,

CHELSEA FREEMAN | Legal Assistant | T. 416-365-1110 ext. 2352 | CFREEMAN@weirfoulds.com

WeirFoulds LLP

66 Wellington Street West, Suite 4100, P.O. Box 35, TD Bank Tower, Toronto, Ontario, Canada. M5K 1B7 | T. 416-365-1110 | F. 416-365-1876 | www.weirfoulds.com

Voted #1 in the Canadian Lawyer 2015 Survey for the Top 10 Ontario Regional Firms.

This e-mail contains information from the law firm of WeirFoulds LLP which may be confidential or privileged. This e-mail is intended initially for the information of only the person to whom it is addressed. Be aware that any disclosure, copying, distribution or use of the contents of this e-mail, without the consent of such person, is prohibited.

January 12, 2017

Barnet H. Kussner
T: 416-947-5079
bkussner@weirfoulds.com

VIA E-MAIL ONLY

File 16699.00001

Francine Adamo
Administrator, North York Community Council
City of Toronto
City Clerk's Office
5100 Yonge Street
Toronto, ON M2N 5V7

Dear Ms. Adamo:

Re: North York Community Council ("NYCC") Meeting of January 17, 2017

Item NY19.33: Sheppard Avenue Commercial Area Secondary Plan Review – City Initiated Official Plan Amendment

As you are aware, we act as counsel for the following property owners in connection with their respective properties (collectively referred to as the "Site"):

1. 2226396 Ontario Inc., owner of lands municipally known as 53-63 Sheppard Ave. West;
2. 1822732 Ontario Inc., owner of lands municipally known as 62-64 Bogert Avenue; and
3. Grmada Holdings Inc., owner of lands municipally known as 66-68 Bogert Avenue.

We have reviewed the Supplementary Report dated January 6, 2017 respecting the above matter. We continue to rely on our position as set out in our previous correspondence dated January 11, 2016, April 12, 2016, November 11, 2016 and September 19, 2016.

More specifically, we continue to rely on the "Clergy" principle as it applies to our clients' development application respecting the Site, which long pre-dates the Secondary Plan review – a process which had been dormant for many years and which was re-activated well after our clients' filed their appeals to the Ontario Municipal Board from Council's lack of decision within the statutory time periods.

We are disappointed that the Supplementary Report continues to ignore this basic legal principle. As the Supplementary Report itself notes, our clients' appeals are subject to an OMB-

facilitated mediation involving our clients and the City. Our clients remain committed to the mediation process in the hope that it will lead to a mutually acceptable settlement. Respectfully, however, the continued failure or refusal by the City to acknowledge the applicability of the Clergy principle in these circumstances does little to foster a spirit of goodwill as we embark on that process.

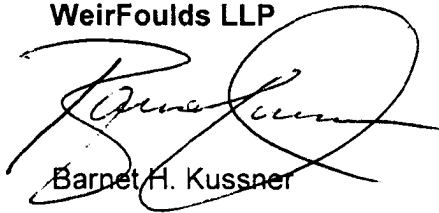
Please accept this correspondence as our written submission prior to City Council making any decision on this matter, for the purpose of any *Planning Act* appeal rights that our clients reserve the right to exercise. In that regard, we also rely on our previous submissions as well as the submissions by others who share a like interest.

If you have any questions, please do not hesitate to contact Paul Chronis, Senior Planner, in our office at (416)-947-5069 or pchronis@weirfoulds.com.

Thank you for your consideration of these submissions.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "Barnett H. Kussner", written over a printed name.

Barnett H. Kussner

BHK/PC

cc: Michael Goldberg
Paul Chronis
Client