NY21.37.37

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April 3, 2017

By Courier and Email

North York Community Council
City Clerk - Secretariat
North York Civic Centre
Main Floor, 5100 Yonge Street
Toronto, Ontario
M2N 5V7

Attention: Councillor Robinson and other Members of North York Community Council

Dear Sirs/Mesdames:

Re: NY21.37 - Residential Rental Demolition Application Under Municipal Code 667
18-30 Erskine Avenue

We are solicitors for 18 Erskine Holdings Inc. ("KG"), the owner of the lands at 18-30 Erskine Avenue (the "Subject Site").

We are writing to request that Community Council adopt Staff's recommendations to approve the residential rental demolition permit for 18-30 Erskine, on the understanding that construction mitigation/safety measures and site plan matters (unrelated to the rental demolition permit) will be before Community Council at a subsequent date, ideally May 2nd.

Rental replacement arrangements were previously secured by the City as part of the zoning approval for the Subject Site, and the rental demolition permit should issue in accordance with the settled arrangements. Withholding the permit, on the basis of site plan and construction safety issues which are well outside City Council's discretion under Section 111 of the *City of Toronto Act*, is inappropriate and exposes the City to potential legal claims.

We are mindful of Councillor Robinson's publicly stated intention to defer the rental demolition matters (for a third time) so that it can be considered together with the construction mitigation/safety and site plan matters. While we believe this is both unnecessary and inappropriate, we would request that any motion to defer this matter yet again make it clear that the matter will be finally dealt with at the May 2nd Community Council meeting.

Approved Zoning

The Ontario Municipal Board approved a zoning amendment for the Subject Site, pursuant to a mediated settlement which was unanimously endorsed by City Council in December 2015, to

permit a 35-storey residential apartment building. KG subsequently purchased the Subject Site in good faith, relying upon the fact that zoning permissions for a residential development, including all of the terms of a rental housing replacement and tenant assistance package, had been finalized and approved with the support of the City.

Construction Mitigation

A standard construction mitigation plan was submitted to the City in January as part of the site plan application process for the Subject Site. Since that time, KG and its consultants have been working cooperatively with City staff and TDSB representatives to develop a site-specific construction safety plan which significantly exceeds both the requirements of applicable provincial and municipal regulations, and the construction mitigation measures normally required by the City. This construction safety plan will address issues including air quality, noise, vibration, debris and traffic. KG expects to formally submit this plan to the City shortly.

Site Plan Application

Our client and its consultants have been having a very productive ongoing dialogue with City Planning staff in respect of the site plan application for the Subject Site, and KG is diligently responding to all circulation comments.

We also understand that City Planning staff have reached out to members of the community in respect of the site plan application, and that the site plan submissions are posted on the City's website. KG welcomes this opportunity for public input into its site plan application.

We understand that our client's site plan application for the Subject Site has been referred by Councillor Robinson to Community Council and Council for approval. Subject to our client satisfactorily addressing outstanding circulation comments, KG is working towards having its site plan application considered at the May 2 Community Council meeting.

Residential Rental Demolition Permit

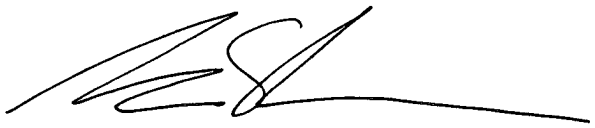
The Final Report recommending approval of a residential rental demolition permit for the Subject Site has twice been deferred by Community Council, notwithstanding the fact that this approval simply ratifies and confirms rental replacement and demolition arrangements already agreed to and secured by the City. As part of its unanimous endorsement of the zoning settlement reached with the previous owner of the site, City Council endorsed rental replacement and demolition arrangements. A Section 37 Agreement between our client and the City was subsequently entered into to secure all of the terms of the rental replacement and tenant assistance package.

There is no connection between the residential rental demolition permit and the construction mitigation issues and site plan issues related to the Subject Site. As such, we believe that Item

NY21.37 related to the residential rental demolition application would be most appropriately addressed and approved at Community Council's meeting of April 4.

Yours truly,

Goodmans LLP



Michael Stewart
MGS/

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