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February 22, 2017

VIA EMAIL

Mayor John Tory and Members of Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Nancy Martins, Secretariat
Planning and Growth Management Committee

Your Worship and Members of Council:

RE: Technical Amendments to Zoning By-law 569-2013 – Item PG18.5

We are the lawyers for 2397623 Ontario Ltd. and 2426684 Ontario Ltd. By way of background, our clients applied to the City of Toronto for an Official Plan Amendment, a Zoning By-law Amendment and Site Plan Approval in respect of their property at 36, 38, and 40 Churchill Avenue (City File No. 14 260003 NNY 23 OZ) (the "**Applications**"). The property is located in the former City of North York on the north side of Churchill Avenue, west of Beecroft Road.

On July 9, 2015, our clients appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Ontario Municipal Board (the "**OMB**") on the basis of the City of Toronto's neglect to make a decision. The Site Plan Approval application was referred to the OMB on December 22, 2015. A hearing on the Applications commenced in February 2016 and was continued in September 2016 (OMB Case No. PL150631). A decision from the OMB on the Applications is pending.

We have reviewed the recommendations of the Staff Report and the draft By-law 569-2013 amendments in the above-noted Item PG18.5. We are writing to express concern on behalf of our client with the amendments to accessible parking space dimensions which have been proposed without adequate opportunity for public comment. Our client is concerned that the proposed amendments do not provide transitional or grandfathering provisions for pre-existing development applications. We respectfully submit that these amendments should be supplemented by the kind of transitional provisions that were included at the time By-law 569-2013 was enacted. Without such provisions, the proposed amendments could create significant implications for pipeline projects at various phases in the planning and permitting process.

We understand that the Toronto Chapter of the Building Industry and Land Development Association (BILD) will be making similar submissions with respect to the Technical Amendments to By-law 569-2013.

Please provide us with notice of the Planning and Growth Management Committee's decision on this item, as well the decision of City Council with respect to this item and any resulting Zoning By-law Amendment. Furthermore, please provide notice of any further public meeting, committee meeting, or Council meeting on this matter. Our contact information is provided above and below.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner
c. client