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VIA E-MAIL

June 6, 2017

City of Toronto - Public Works and Infrastructure Committee
10th Floor West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

**Attention: Ms. Jaye Robinson, Chair - councillor_robinson@toronto.ca
Ms. Nancy Martins, Secretariat - pwic@toronto.ca**

Dear Mesdames:

**Re: Metropolitan Toronto Condominium Corporation No. 979, 10 Yonge Street
Lower Yong Precinct Plan and Impact on MTCC 979
Our File No.: 16-2369**

We are the lawyers of record for Metropolitan Toronto Condominium Corporation No. 979 ("MTCC 979"), the Residences of the World Trade Center Condos, which is municipally located at 10 Yonge Street.

MTCC 979 is a non-profit entity with the statutory mandate pursuant to the *Condominium Act, 1998* to manage the common elements and common assets on behalf of its unit owners.

We are taking this opportunity to communicate the condominium corporation's concerns with respect to the proposed Lower Yong Precinct Plan (the "LYPP"), and the impact of the LYPP on the condominium property, and more specifically, the loading-unloading area servicing the condominium property, and the proposed protective measures that may need to be implemented in order to accommodate the realignment of Harbour Street.

MTCC 979 is a 38-storey condominium comprised of 407 dwelling units (and several hundred ancillary parking and locker units). A part of the at-grade level of the building is comprised of a commercial component, which is occupied by various businesses. The commercial component does not form part of the condominium plan. MTCC 979 was registered and created in 1991.

The condominium property is bounded by Harbour Street to the north, Yonge Street to the east and Queens Quay to the south. The only moving door and loading/unloading area servicing the condominium is located on the north side of the building along Harbour Street. The moving door is below grade and is accessed by a ramp. Further, stairs and a pedestrian ramp are located along Harbour Street, which provide access to various businesses and the condominium building.

From the period of occupancy in 1991 and since that time, the broad sidewalk along Harbour Street (near the intersection at Yonge Street) has been, and continues to be consistently used as a loading and unloading area by moving trucks, delivery trucks and contractors' vehicles in order to service the needs of the condominium corporation and the occupants of the 407 dwelling units.

The LYPP contemplates that, among other things, Harbour Street will be rerouted and the broad sidewalk will be eliminated. In doing so, the only accessible means by which to service the moving, delivery and loading-unloading needs of the building and its occupants will also be eliminated. Further, the realignment of Harbour Street is expected to create a change in elevation between Harbour Street and the condominium property boundary, which may necessitate the removal and the replacement of the stairs and pedestrian ramp with the installation of protective measures for pedestrians, such as a retaining wall and railing.

The existing municipally approved off-street loading facilities (which are located to the west of 10 Queens Quay) cannot be used for loading and unloading as a result of the configuration of the building. The board of directors of MTCC 979 has considered creating an alternate access route using the approved off-loading facilities. However, that alternate route is extremely cost prohibitive. More specifically, as a result of the existing configuration of the building in relation to the approved off-street loading facilities, extensive elevator reconstruction and upgrades would be required in order to address safety-related considerations, and an access point to the (reconstructed) elevator would need to be created through a concrete wall. The extensive reconstruction would result in a significant financial burden on the unit owner of MTCC 979.

Further, the installation of a retaining wall and railing will prevent the integration of the condominium walkway into the greater public realm along Harbour Street.

MTCC 979 has conveyed its concerns to, and is engaging in dialogue with City staff and Waterfront Toronto staff to explore alternate solutions and opportunities that may present themselves through the design process in order to address its concerns. With respect to loading-unloading solutions, MTCC 979 will explore curb-side loading-unloading during off-peak periods and/or other solutions that may present themselves through the design process. With respect to the potential change in elevation from the realignment of Harbour Street, MTCC 979 will continue to explore design arrangements along its property line on Harbour Street with a view to minimizing, and preferably eliminating the elevation change and the installation of a retaining structure and railing.

MTCC 979 remains committed to working amicably with City staff and Waterfront Toronto staff in order to resolve these concerns in a manner that is acceptable to the City, Waterfront Toronto and the owners and residents of MTCC 979.

Yours truly,

FINE & DEO

per:

Maria Dimakas

Maria Dimakas

MD/rc

cc: MTCC 979 c/o Mr. Peter Mahut, Property Manager - via email: rwtdcpm@rogers.com
Alun S. Lloyd, BA Group - via email: Lloyd@bagroup.com