
AIRD & BERLIS LLP

Barristers and Solicitors

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April 4, 2017

Our File No.: 124066

BY EMAIL

Toronto and East York Community Council
2nd floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ellen Devlin, Secretariat

Dear Members of Toronto and East York Community Council:

Re: Toronto and East York Community Council Item TE23.10
46 Charlotte Street - Zoning Amendment Application Request for Direction

Please be advised that Aird & Berlis LLP represents Fortress Charlotte in respect of its applications for rezoning and site plan approval for lands known municipally as 46 Charlotte Street, located on the northeast corner of the block bounded by Adelaide on the north, Charlotte to the east, Oxley to the south and a public lane to the west. The site is located within the City's Downtown and is currently used as a surface parking lot.

Our client's development applications were filed on June, 2016. Despite having had a community meeting hosted by the Ward Councillor prior to filing the applications, and meeting with staff for formal pre-consultation, our client's development applications went without any formal comments from the City for a period of over three months.

On October 12, 2016 our client appealed its application for rezoning to the Ontario Municipal Board. The appeal letter, attached, specifically referenced the lack of any real processing by the City as the primary reason for the appeal and advised that our client remained willing to work with the City once comments were received from the other City departments. That message was repeated again at the community consultation meeting which was finally scheduled by the Ward Councillor on January 25, 2017.

Following the appeal, comments were received from the City. The comments were largely technical in nature and no comments from City Planning, Urban Design or Heritage Preservation Services were forthcoming. Once again our client and its consultants requested comments and direction but none were issued. Our client filed a formal resubmission to the City on November 14, 2016 responding in full to the comments received.

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The Ontario Municipal Board held a pre-hearing conference in respect of our client's appeal on March 22, 2016. Only one member of the public attended to seek participant status as an individual to the hearing. One community group, the Grange Community Association (the "GCA"), sought party status to the appeal; our client consented to that request.

At the pre-hearing conference the Board member urged the parties to consider mediation; our client agrees that such a process would be beneficial and has offered to explore issues for mediation with both the City and the GCA.

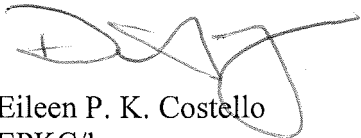
Our client has reviewed the report filed by staff and while it disagrees with the characterization of the application in a number of respects, it sees grounds for a resolution of the rezoning appeal without recourse to a contested hearing.

Our client reiterates its willingness to work with the City and the community in arising at such a resolution, including via mediation offered at the Ontario Municipal Board.

Thank you for your consideration of this matter.

Yours truly,

AIRD & BERLIS LLP


per Eileen P. K. Costello
EPKC/lm
Encl.

c: Client
Mike Bissett, Bousfields Inc.
Max Allen, Grange Community Association
Gord Whicher, City of Toronto
28915926.1

AIRD & BERLIS LLP

Barristers and Solicitors

Bileen P. K. Costello

Partner

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October 12, 2016

Our File No. 124066

DELIVERED

Ms. Ulli Watkiss
City Clerk
City of Toronto
13th Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Dear Ms. Watkiss,

Re: Notice of Appeal
Application to Amend the Zoning By-law
46 Charlotte Street
Application No.: 16 167239 STE 20 OZ

We act on behalf of Fortress Charlotte 2014 Inc. in respect of its lands located at 46 Charlotte Street, located at the south west corner of Charlotte Street and Adelaide Street West.

Fortress Charlotte filed the above-noted application for a Zoning By-law Amendment to permit the construction of a 46-storey mixed use building with a 5-storey office podium, retail uses at grade, 248 residential units and 69 parking spaces in an underground garage. In a letter dated August 12, 2016, the City deemed the application complete as of June 3, 2016.

No decision has been made by City Council with respect to the application and over 120 days have passed since the complete application was submitted. Accordingly, our client appeals the above-noted application to the Ontario Municipal Board (the "Board") pursuant to subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

We do note that, although no decision has been made by the City, our client has engaged with the local community in the form of a community consultation meeting organized by the ward councilor in advance of filing its application to discuss development opportunities on the lands. The meeting was held on June 29, 2015 and planning staff were in attendance. Additionally, our client has communicated directly with immediately adjacent neighbours and shared the details of its application.

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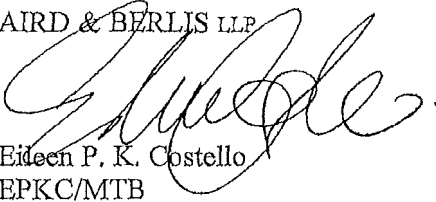
Our client is appealing at this time in part due to the congested nature of the Board's calendar. Notwithstanding its appeal, our client remains open to working with City staff and the local councillor and community to address any specific comments arising in response to its application.

In support of our client's appeal, please find enclosed our completed Ontario Municipal Board Appellant Form (A1) and a cheque in the amount of \$300.00, payable to the Minister of Finance, representing the Board's prescribed appeal fee.

Please do not hesitate to contact the undersigned should you require any further information.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC/MTB

c. Client
Mike Bisset, Bousfields Inc.

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