



Reply to the Attention of Mary Flynn-Guglietti  
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Email Address mary.flynn@mcmillan.ca  
Our File No. 213319  
Date November 14, 2017

**DELIVERED BY E-MAIL**

City of Toronto  
Legal Services Department – Planning & Administrative Tribunal Law  
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**Attention: Ms. Kelly Matsumoto** ([kelly.matsumoto@toronto.ca](mailto:kelly.matsumoto@toronto.ca))

Ritchie Ketcheson Hart & Biggart LLP  
1 Eva Road, Suite 206  
Toronto, Ontario M9C 4Z5

**Attention: Mr. Andrew Biggart** ([abiggart@ritchieketcheson.com](mailto:abiggart@ritchieketcheson.com))

To Whom it May Concern:

**Re: Appeal by Down 2 Earth to the Ontario Municipal Board  
(the “Board”) of Official Plan Amendment No. 231 (“OPA  
231”) under subsection 17(36) of the *Planning Act*, RSO  
1990, cP.13, as amended  
PL140860 – 158 Park Lawn Road**

We are counsel to Down 2 Earth, owner of the lands municipally known as 158 Park Lawn Road, Etobicoke (the “**Property**”). As more particularly described below, Down 2 Earth appealed OPA 231 to the Board in order to obtain site specific policies recognizing the existing and historical residential and employment uses of the Property. We are please to advise that discussions with the City of Toronto (the “**City**”) have been successful and, as requested by City Staff, the following letter is intended to summarize the terms of settlement reached by the parties.

**Property History and Official Plan Designation**

The Property is approximately 33,540 square feet or 0.77 acres and is occupied by a 2-storey structure of 3,400 square feet and a four (4) vehicle garage. The Property is and historically has been used as a garden centre with 1,700 square feet of the ground floor used for office and retail for the florist/garden centre. A large majority of the garden centre landscaping materials and plants are stored outside on the Property. The 1,700 square foot second floor of the existing building is and has been historically used for residential purposes, being the residence of the operator of the florist/garden centre.

The City's Official Plan identifies the Property as being within an *Employment District* on Map 2: Urban Structure Map and designates the Property as *Employment Areas* on Land Use Plan Map 15. Further, Map 41 of OPA 231 designates the Property and surrounding lands as *Core Employment Areas* where the existing residential unit and garden centre are not permitted. Land uses surrounding the Property are as follows:

- Lands to the north are designated *Neighbourhoods*;
- Lands to the south are designated *Employment Areas* and are occupied by a Tim Horton's and Starbucks;
- Lands to the west are designated *Natural Areas*; and
- Lands to the east are designated *Employment Areas* and occupied by the Ontario Food Terminal.

Additionally, the south and west of the Property there has been substantial high rise residential development in close proximity to the Property and further high rise residential development has been planned and approved in this area south of the Gardiner Expressway.

Accordingly, the current and historical use of the Property for one residential unit and a florist/garden centre complements and reinforces the *Employment Areas* uses surrounding the Property. The present uses of the Property also provide an appropriate buffer between the high rise residential uses and employment uses and are compatible with all of the surrounding land uses. The Ontario Food Terminal is on record as supporting the existing garden centre and associated residential use.

### **Settlement Terms**

Based on the foregoing, in full resolution of Down 2 Earth's appeal of OPA 231, Down 2 Earth and the City have agreed to amend the Official Plan to provide for a site-specific policy for the Property in the form attached at **Appendix "A"** to this letter, which serves to preserve the existing and historical uses of the Property. In furtherance of this settlement, a draft resolution for consideration by City Council has been prepared and is attached at Appendix "B" to this letter.

Down 2 Earth fully supports the site-specific policy and draft Council resolution in support of approval the site-specific policy and requests that you kindly consider this letter confirmation of such agreement and support. In the event City Council adopts the proposed resolution, Down 2 Earth will fully support the City in presenting the settlement to the Board for approval.

We look forward to working together with the City to implement the settlement terms. Should you have any questions please do not hesitate to contact us.

Yours truly,

per   
Mary Flynn-Guglietti

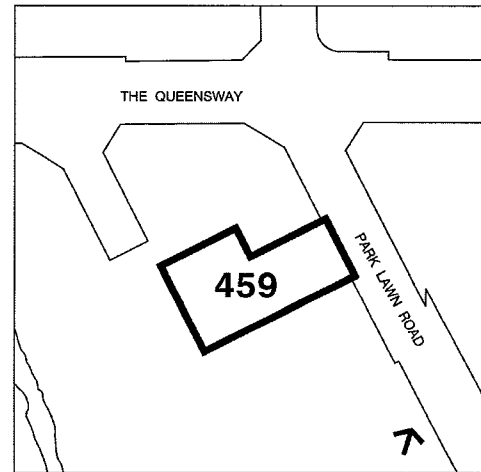
CC: Down 2 Earth ([ileah@down2earthgardencentre.com](mailto:ileah@down2earthgardencentre.com))  
Barry Morrison ([Morrplan@aol.com](mailto:Morrplan@aol.com))

**Appendix “A” – Draft Site Specific Policy**Proposed Modifications to Official Plan Amendment 231:

1. Chapter 7, Site and Area Specific Policies, Site and Area Specific Policy No. 459 is modified by adding Section b), so the entire policy reads as follows:

**'459.158 Park Lawn Road**

- a) One caretaker's unit not to exceed 158 square metres (1,700 sq. ft) is permitted.
- b) A garden centre not to exceed 158 square metres (1,700 sq. ft) and indoor and outdoor storage associated with the centre, are permitted.'



**Appendix “B” – Draft Council Resolution****158 PARK LAWN ROAD****MOTION MOVED BY COUNCILLOR [•]:**

**WHEREAS** the lands located on the property municipally known as 158 Park Lawn Road, being approximately 33,540 square feet or 0.77 acres, consist of a 2-storey structure of 3400 square feet and a four (4) vehicle garage. The property is and historically has been used as a garden centre with the ground floor of 1,700 square feet used as an office and retail for the florist/garden centre. A large majority of the garden centre landscaping materials and plants are stored outside on the property. The 1,700 square foot second floor of the existing building is and has been historically used for residential purposes and is the residence of the operator of the florist/garden centre.

**AND WHEREAS** the Official Plan identifies the site as an *Employment District* on Map 2: Urban Structure Map and it is designated as *Employment Areas* (Section 4.6, Land Use Plan Map 15)

**AND WHEREAS** Map 41 of Amendment No. 231 identifies the lands at 158 Park Lawn Road and surrounding lands as a *Core Employment Area*.

**AND WHEREAS** lands to the north are designated *Neighbourhoods*, lands to the south are designated *Employment Areas* and occupied by a Tim Horton and Starbucks, lands to the west are designated *Natural Areas* and lands to the east are designated *Employment Areas* and occupied by the Ontario Food Terminal. In close proximity to the south and west of the lands there has been substantial high rise residential development and further high rise residential development has been planned and approved in the area south of the Gardiner Expressway.

**AND WHEREAS** the current and historical use of the property for one residential unit and a florist/garden centre does not undermine the *Employment Areas* uses, rather it complements and reinforces them. The present uses on the lands provides an appropriate buffer between the high rise residential uses and employment uses and is compatible with all of the surrounding land uses. The Ontario Food Terminal is on record as supporting the existing garden centre and associated residential use.

**NOW THEREFORE** City Council amend Official Plan Amendment No. 231 as follows:

- (a) Based on the criteria in the Growth Plan, the Provincial Policy Statement and the Official Plan policies, City Council maintain the *Employment Area* designation and the *Core Employment Area* identification on Map 41 of Amendment No. 231 but include a Site Specific Policy for the lands municipally known as 158 Park Lawn Road.
- (b) That a Site Specific Policy be added to permit the 1,700 square feet second floor of the existing building to continue to be used for residential purposes and that the 1,700 square foot existing ground floor be permitted to continue to be used for retail/office use associated with a florist/garden centre.