



November 25, 2020

**Via email**

Mayor and Members of Council  
Toronto City Hall  
10th Floor, West Tower  
100 Queen Street West  
Toronto ON M5H 2N2

Your Worship and Members of Council:

**Re: City Council – November 25, 26, 2020**

**Agenda Item TE 20.3: 276 and 290 Merton Street Zoning Amendment Application  
Final Report (Rezoning file No. 18 172768 STE 22 OZ )**

**Ewart Angus Homes Incorporated - Letter of Objection**

We are the solicitors for Ewart Angus Homes Incorporated (“Ewart Angus”), a registered charity that owns and operates residences within the City of Toronto providing rental housing as well as supportive housing for persons with dementia. Ewart Angus owns the property municipally known as 268 Merton Street (the “Ewart Lands”), located immediately west of Rockport Homes Ltd.’s (“Rockport”) lands at 276 and 290 Merton Street (the “Development Site”). The Ewart Lands are presently developed with one of Ewart Angus’ residential facilities- the five-storey Angus House building which includes three storeys of market rental housing units and two storeys of specialized accommodation for persons with dementia requiring 24-hour care.

Further to our client’s letter dated November 10, 2020 to the Toronto and East York Community Council, a copy of which is attached hereto, we are writing on Ewart Angus’ behalf, to express our client’s concerns with the rezoning proposal for the Development Site, to be considered by Council in the abovementioned agenda item at its meeting of November 25-26, 2020 (the “Proposal”).

While our client appreciates the willingness of City staff and Rockport to engage in discussion, Ewart Angus is concerned with the approval of the Proposal in its current form, given the concerns it raises both in terms of its relationship with the current building on the Ewart Lands as well as the restrictions it would effectively introduce for any future redevelopment of the Ewart Lands. These are important considerations for our client, given Ewart Angus’s need to consider both the immediate and longer-term interests of its organization.

In our client's respectful submission, even in its revised form, the built form of the Proposal would impose inappropriate limits upon the redevelopment potential of the Ewart Lands. For example, the Proposal's current scale and massing relies upon the provision of reduced side yard setbacks and tower separation distances from the westerly lot line that would significantly and inequitably constrain the form and siting of any future development on the Ewart Lands, in view of the existing and emerging planning directions for tower-form buildings in this part of the City. We would note that the City Staff Report, dated October 19, 2020 (the "Final Report") expresses a view that our client's site is too small to accommodate a tower. The Ewart Lands are, in fact, directly comparable in area, frontage and depth to the Development Site.

We also understand Rockport is also proposing additional changes to the Proposal that are not reflected in the Final Report.

While our client is not opposed in principle to the Development Site's redevelopment, for the foregoing reasons and others, Ewart Angus is unable to support the Proposal in its present form. Given its potential impacts upon the Ewart Lands, the Proposal represents an inappropriate form of intensification for the Development Site, incompatible with the current use as well as the future development potential of our client's lands.

We would respectfully request that Council refuse the requested approval of the Proposal or, at minimum, defer its decision to permit Ewart Angus to continue its dialogue with City Staff and the applicant, with the objective of achieving a reasonable resolution to our client's concerns.

We would ask that the City provide us with notice of any decision by Council on this matter, as well as notice of any further consideration by Council, Community Council or another Committee.

Yours truly,

McCarthy Tétrault LLP

Per:



Cynthia A. MacDougall

c. Gregory A. Piasezki, Board Member, Ewart Angus Homes Incorporated

November 10, 2020

Toronto and East York Community Council  
c/o Ellen Devlin  
2nd Floor, West Tower, City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

Dear Members of Community Council:

**Re: Item TE 20.3 276-290 Merton Street /Rezoning file No. 18 172768 STE 22 OZ**

We are members of the Board of Directors of Ewart Angus Homes Inc. (“Ewart Angus”), a charity that operates two homes for persons with dementia.

One of the homes is located at 268 Merton Street (“Ewart Lands”), immediately west of the Rockport Lands. On the Ewart Lands, there is a 5 storey building which includes 3 storeys with rental units and 2 storeys where special accommodation is provided for persons with dementia requiring 24-hour care.

Ewart Angus operates a second home (Cedarhurst) that provides accommodation for 26 individuals with dementia at 2601 Bayview Avenue.

It is very important to the Board of Directors of Ewart Angus to consider both the short term interests and the long term interests of Ewart Angus, which includes protecting the potential redevelopment of the Ewart Lands.

We understand from speaking with representatives of Rockport that in Rockport’s view, there will be no negative impacts on the re-development potential of the Ewart Lands, and that the proposed built form and massing, including increases in height, the proposed setbacks, setbacks, separation distance between buildings and resulting light, view, privacy, etc. (“Built Form Matters”) are acceptable to the City planning staff.

We have also reviewed drawing A1.02 prepared by Wallman Architects, dated July 10, 2020 (the “Drawing”), a copy of which is attached. We understand that the Drawing reflects Rockport’s view on the potential re-development of the Ewart Lands consistent with what is proposed by Rockport on its lands, and we understand that the Drawing is meant to reassure Ewart Angus that the Rockport proposed development will not prevent a similar built form being achieved on the Ewart Lands.

When considering Built Form Matters, in order to better understand what the impact will actually be on the development potential of the Ewart Lands, we would appreciate understanding the Planning Department’s professional planning advice on the matter.

We understand the City regularly considers the impact of the development potential on neighbouring sites, which is reasonable from a fairness or equity principle.

We are also concerned that the new residents of Rockport's development may believe that it is reasonable to expect that, for example, if they purchase a unit facing west, they will have an unimpeded view across the Ewart Lands above the existing building.

In order to address our concerns, we have been in dialogue with City staff and would appreciate the opportunity for further dialogue.

Accordingly, we ask that Community Council support our continuing discussion with City staff and request that Planning staff to report directly to City Council on Ewart Angus's concerns.

Yours truly,

Regards

Gregory A. Piasetzki, Board Member  
Catherine DesBrisay, Board Member (immediate past chair)  
Ewart Angus Homes Inc.

cc: Josh Matlow, Councillor Ward 12  
Oren Tamir (Manager Wards 11 and 12)  
Alex Teixeira, Planner, City of Toronto  
Lynda Macdonald, Director of Planning, Downtown