

June 16, 2021

By E-Mail Only to teycc@toronto.ca

Toronto and East York Community Council
2nd Floor, West Tower, City Hall
100 Queen St. West
Toronto, ON M5H 2N2

Chair Perks and Members of Community Council:

**Re: Item TE 26.63 June 24, 2021 Meeting
Realignment of Permit Parking Area 8B to Exclude 17 Boothroyd Avenue**

We are counsel to Alexander Sharpe, the owner of 17 Boothroyd Avenue (the “**Subject Site**”). Our client opposes the proposed realignment of Permit Parking Area 8B to exclude his property.

The proposed realignment, which has been made without any direct notice to our client or his tenants, is unjustified, unnecessary and treats our client and the current and future residents of the Subject Site unfairly. Mr. Sharpe was only made aware of the proposal by chance when his land use planning consultant was reviewing the Community Council agenda for another matter. He was shocked to learn that this request had been made without advising him or discussing it first and when the City has never objected to the development proposal for the Subject Site.

By way of background, Mr. Sharpe filed an application for minor variances in October, 2020 (the “**Application**”) to permit the expansion of the existing residential rental building on the Subject Site from three (3) units to six (6) units. The proposal will maintain the existing, and provide new, family-sized rental housing units, something which is in limited supply in the City and has been identified as a priority by City Council.

With respect to parking, the Application includes a variance to allow for the provision of 5 parking spaces, whereas 6 parking spaces would be required under Zoning By-law 569-2013. In addition, no visitor parking spaces will be provided, whereas 1 visitor space is required. We note that Councillor Fletcher’s April 20, 2021 letter which requested the realignment incorrectly stated that 3 visitor parking spaces are required by the zoning.

Prior to submission of the Application, our client and his consultants worked with the City’s Community Planning Staff on the proposal. The amount of parking included was determined to strike an appropriate balance between providing a sufficient amount of

parking on-site, maximizing the amount of soft-landscaping, and maintaining the size of the existing rear garage to reduce potential impacts on neighbouring properties. It was also informed by experience with parking requirements of the current tenants on the Subject Site and the availability of transit, with TTC bus service available on Jones Avenue (a 4 minute walk) and Donlands Subway Station within a 15 minute walk.

The Application, including the variance for parking spaces, was unanimously approved by the Toronto and East York Committee of Adjustment (“**Committee**”) on March 31, 2021. No objections or concerns with the Application or the parking variance were raised by any City staff or Councillor prior to the Committee Hearing.

The Committee’s Decision was appealed by a neighbour and is currently before the Toronto Local Appeal Body (“**TLAB**”). The City has not indicated its intention to participate in the TLAB Hearing, and the deadline for it to do so has passed.

The report from Transportation Services staff prepared on this item (the “**Staff Report**”) states that the request for the realignment was made by “the Ward Councillor on behalf of local residents”, which presumably include the appellant in our client’s TLAB appeal. As such, the request appears to be an attempt to influence the outcome of the TLAB process in favour of the appellant and to the detriment of my client.

The timing of the proposed realignment, being prior to the TLAB Hearing, indicates an intention to disadvantage my client at that Hearing and is patently unfair and unnecessarily punitive to the current and future tenants of the Subject Site. Current tenants will lose their existing ability to obtain parking permits and, if the parking variance is not approved by the TLAB, future residents would still be excluded from the 8B Parking Permit Area, for no apparent reason.

If the City has concerns with the parking variance, the appropriate forum to raise those is through the TLAB process, or previously at the Committee Hearing, which the City declined to do on both accounts.

Further, the proposed realignment is not necessary or justified. The Staff Report indicates that only 1814 permits have been issued for the total 2367 available on-street spaces, leaving 553 available spaces for permits. In comparison, the proposed development is short by 1 regular space and 1 visitor space from the zoning requirements. Staff also indicate that this parking permit area does not have a history of being waitlisted and demand has never exceeded the permit supply. Quite plainly, this is not an area with a shortage of parking supply and there is no need to remove parking permit permissions for the Subject Site.

Accordingly, Mr. Sharpe requests that Community Council not approve the proposed realignment for Parking Permit Area 8B. The realignment is not necessary or warranted, it is unfair to current and future residents, and it would interfere in a TLAB Hearing process

in which the City has raised no objections and declined to participate. Community Council should not penalize our client for his proposal to bring much needed family-sized, rental housing units to the City, in accordance with the City's own goals and objectives.

Yours truly,
DAVIES HOWE LLP



Meaghan McDermid
copy: Client