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September 8, 2021

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

Dear Councillor Perks, Committee Members:

RE: TE27.36 – Parking Amendments – Sackville and Amelia Street

Further to our correspondence of today's date sent earlier to the Committee, we are writing again after learning with shock and disappointment that the Committee may be asked to consider a deferral of this matter to an indefinite time in the future.

Our worst suspicion is that this is a gambit to delay this matter to subvert the Toronto Local Appeal Body's ruling and this application. What other conclusion is available since our client submitted the required information for the amendments in April of this year?

With respect, a motion to defer this matter is a serious abuse of process. It invites the Committee to ignore the findings of the Toronto Local Appeal Body. The TLAB was created as a local response to the Ontario Municipal Board. It is an independent Tribunal composed of members appointed by the City Council. It would be a serious undermining of faith in the TLAB process for City committees to ignore its rulings and the recommendations of their own staff made considering those rulings.

Through the TLAB hearing of this matter (recall, 12 days of evidence, please see our earlier correspondence of today's date) and the subsequent review of its first approval called for by the City and opponents to the daycare, the TLAB affirmed its approval of this proposal with conditions.

Nevertheless, some of the issues we anticipate being raised in support of a motion to defer this matter have nothing to do with the matter before the Committee or the TLAB's decision.

Falsely Prematurity and Inadequate Notice

With all due respect, the question of prematurity is answered in the August 23, 2021 Transportation Services staff report recommending the parking regulation amendments. If these amendments were premature for a technical or legitimate reason, you would expect that such would be indicated in the staff report.

Please note that Mr. Ulicki's traffic consultant submitted the certified striping and signage plan on April 6 of this year. That is a full 156 days or 5 months from the date of this Committee meeting.

We further understand the local councillor has met with opponents to the project with city staff and city lawyers as late as a month ago, with our client's proposal in hand. It would therefore be incredulous for anyone to allege there was insufficient notice in respect of what was being sought from this Committee.

Finally, what staff is recommending to the Committee was the subject of hours of testimony and cross-examination before the TLAB.

Falsely alleging safety requirements of the City of Toronto are not met

The City has not indicated what "safety requirements", if any, are outstanding. With respect, we believe this to be a spurious fabrication without any definition, they are the proverbial "bogeyman". This is because there are no additional requirements that fall under a general heading of safety in respect of the approval of this daycare.

The safe flow of traffic and parking in this area was fully canvassed at the TLAB hearing. In fact, the City of Toronto could not call its own transportation staff as witnesses at that hearing because they did not object to the proposal, the City therefore paid for and retained an outside expert to make the case against the daycare solely in respect of transportation planning. A case the TLAB rejected not once, but twice.

The safe operation of a daycare is regulated provincially by the Ministry of Education and Training. As indicated below, the proponent in this case will be seeking an approval in principle from that Minister to proceed with the establishment of a daycare at the site.

For your assistance, the TLAB conditions and their status are reproduced in the table below:

TLAB Condition	Status
1. The TLAB is in receipt of a written communication from the Owner providing evidence from an agent on behalf of the Province of Ontario that a permit, license or other approval, conditional or otherwise, has been issued by the Ministry of Education or other provincial authority authorizing the operation of a daycare at the subject property.	Mr. Ulicki or the operator he chooses for the daycare can make and obtain an approval in principle from the Ministry of Education, which will satisfy this condition. It would be Mr. Ulicki's preference to do so after a PUDO solution is finalized, but such a solution is not necessary for approval in principle.
2. The TLAB is in receipt of a written communication from the General Manager, Transportation Services of the City that an	Mr. Ulicki's traffic consultant provided Transportation Services with a certified signing and striping plan for the PUDO

appropriate number, safety signage, pavement markings or other forms of delineated on-street parking spaces, in proximity to the subject property and for the purpose of the pick-up and drop-off of daycare children, have or will be provided to the satisfaction of the General Manager.	solution on April 6, 2021 and Transportation Services recommends approval of that plan in its August 23, 2021 report to the Toronto East York Community Council to be considered before the TEYCC on September 9, 2021.
3. The TLAB is in receipt of a written communication from the General Manager, Transportation Services of the City that the Owner has paid for or provided security in the amount necessary to provide drawings for and the installation of such facilities or matters required in Condition 1, generally in accordance with the recommendations of the <i>Parking Needs and Traffic Assessment Report</i> of Tedesco Engineering for the subject property, dated August, 2018 (Hearing <i>Exhibit 1</i>), as may be further modified to the satisfaction of the General Manager, Transportation Services.	Contingent on #2, Transportation Services indicates signage costs of approximately \$2,562.84.
4. At the Owner's discretion or if required by any Provincial approval to do so provide, the TLAB is in receipt of a written communication from the General Manager, Transportation Services confirming that the Owner has been granted (or has not applied for) a permit for commercial boulevard parking space in the location of the existing boulevard parking (Drawing a1.1, Hearing Exhibit 1, p.7), at the Owner's sole expense and security, to the satisfaction of the General Manager, Transportation Services.	This condition is at the Owner's discretion and at this point there is no reason to seek permission to use the boulevard for parking.
5. At the Owner's discretion or if required by any Provincial approval to so provide, the TLAB is in receipt of a written communication from the Chief Planner of the City confirming that the Owner has been granted (or has not applied for) a lease or license or entered into any other form of agreement required by and satisfactory to the City to permit the use of the municipal right-of-way as a children's playground in the location depicted in Drawing A1.1, Hearing Exhibit 1, p.7, at the Owner's sole expense or security, to the satisfaction of the Chief Planner.	This condition is at the Owner's discretion and alternatives to the use of this area are available through the licensing process.
6. Prior to the issuance of a building permit, building permit drawings, including plans, elevations and details shall be submitted to the satisfaction of the Senior Manager, Heritage Preservation Services and a heritage renovation or alteration permit or other approval shall be obtained, if required, under the provisions of the Ontario Heritage Act.	Heritage approval would be provided concurrent to building permit approval based on the permit plans.
7. Permanent vegetative screening shall be planted and maintained in the rear yard of 459 Sackville Street along the full extent of the south property line at a minimum height of 3.0 m prior to occupancy for daycare purposes, at the Owner's sole expense or	Condition precedent to occupancy permit.

security, and to the satisfaction of the Chief Planner.	
8. The rear yard playground of the subject property shall be constructed with permeable materials prior to occupancy for daycare purposes, at the Owner's sole expense or security, and to the satisfaction of the Chief Planner.	Condition precedent to occupancy permit.

You will note that no conditions concern "safety requirements" or other such terms were required as conditions in this process. There are no site plan controls or conditions either in respect of operating a daycare at this site.

As you see from above, conditions 6, 7, 8 relate to the building permit phase.

Condition 4 and 5 are at the owner's discretion.

Condition 3 relates to a simple financial commitment.

Condition 1 is regulated by the Ministry of Education and Training.

Finally, before this Committee is what is required to satisfy condition 2.

Our client has reached out to the local councillor to discuss how to proceed with the finalization of this site. Nothing but a courtesy acknowledgment was received in response.

Should the Committee agree to defer this matter, it will be delaying the creation of new daycare spaces in this City and empowering a small handful of opponents who have maintained throughout this process an unwavering defence of the entitlement they feel to park their private cars on a public road.

We strongly urge the Committee to endorse the staff recommendation and help get on with creating more daycare spaces in this City.

Yours truly,

ERIC K. GILLESPIE
PROFESSIONAL CORPORATION

Per:



Ian Flett