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September 8, 2021

Toronto East York Community Council  
2<sup>nd</sup> 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**

We represent Robert Ulicki in respect of his proposal to operate a daycare at 459-461 Sackville Street in the Cabbagetown neighbourhood. We represented him before the Toronto Local Appeal Body (the tribunal created by the City of Toronto to hear appeals from its committees of adjustment), which approved variances sought to permit the proposal.

We are very pleased to see that Transportation Staff is recommending the amendment of parking regulations on Sackville and Amelia Streets to create safe and appropriate spaces for the drop-off and pick-up of children from this site. We fully endorse staff's recommendation to continue studying the parking and traffic demands at the site after a daycare begins operating at the site.

**Setting aside three parking spaces on Amelia Street and one on Sackville Street for a limited time on weekday mornings and afternoons is an appropriate use of a public road to facilitate the safe operation of a daycare at this site.**

We urge the Committee to approve the staff recommendation which, in turn, will facilitate the creation of more daycare spaces in our city.

*12 Days of Evidence before the TLAB considered traffic and operation at the site*

The TLAB considered 12 days of evidence from myriad witnesses, experts and lay. It was an invaluable opportunity for the TLAB to hear from members of the public, both for and against the proposal, without limitations on the time they could speak. The TLAB also heard from two professional land use planners and three Professional Engineers qualified in the areas of traffic and transportation planning. The TLAB found the variances to permit the daycare as proposed were appropriate and approved them.

Following that decision, the City of Toronto and three responding parties to the appeal (jointly represented by very experienced counsel) sought a review of that decision. That review was considered by a panel of three TLAB adjudicators, including the tribunal's chair at the time. That panel confirmed the approvals and clarified conditions for approval. The City of Toronto had concurrently begun the procedure to ask for leave to appeal the original decision to the courts, which it later abandoned following the thorough review exercise conducted by the TLAB panel.

The TLAB had before it ample evidence, in the form of expert opinions and the opinions of people living in the neighbourhood. The TLAB even modified many of its procedural rules to ensure those who had concerns could address the tribunal. All matters of concern were addressed including planning, apprehensions about impacts, including from the sounds of children playing, heritage and traffic concerns.

That last concern, traffic, was the principle focus of both the City of Toronto and the handful of responding parties. For example, the only evidence the City of Toronto adduced in the hearing was from a traffic engineer. Similarly, the three responding parties represented by counsel relied on the evidence of a land use planner and traffic engineer. It should be noted that all three traffic engineers who testified before the TLAB agreed there is more than sufficient capacity for the volume of traffic and parking projected from the operation of a daycare at this site.

One issue that is raised by daycare opponents is an allegation that the public roads have insufficient capacity for the storage of their private cars. The evidence of all three traffic engineers was that Sackville and Amelia streets each have sufficient residual capacity to accommodate these changes.

The site is well suited to a daycare that could serve the childcare needs of dozens of families. It is easily accessible on foot, by bicycle, by transit and by car. Many Cabbagetown families in the area have indicated their support for a daycare on the site, many of those families are in walking and bicycling distance of Sackville and Amelia.

On behalf of our client, we are grateful to the Committee for its consideration of this matter.

Yours truly,

**ERIC K. GILLESPIE**  
**PROFESSIONAL CORPORATION**

Per:

A handwritten signature in black ink, appearing to read 'Ian Flett', written in a cursive style.

**Ian Flett**