

June 15, 2022

BY EMAIL

Our File No. 120139

Christopher Bentler
President
Allvision Development ULC
2275 Upper Middle Road
Oakville ON L6H 0C3

Dear Mr. Bentler :

**Re: Allvision Development ULC (“Allvision”)
Third Party Sign By-law Amendment Application**

This letter provides an opinion on the proper procedural route related to two third party sign by-law amendment applications filed by Allvision (the “**Applications**”). One application (Item PH34.16) proposes to build a new digital billboard located on the rail corridor within the Bala Subdivision to be situated 10 metres north of the travelled portion of Highway 401, west of Leslie Street, east of the railway tracks, near the Highway 401 and Leslie interchange on-ramp. The other application (Item PH34.17) proposes to build a new digital billboard located on the rail corridor within the Galt Subdivision to be situated within the southern limit of the railway tracks right-of-way abutting Highway 427 and approximately 10 metres west of the travelled portion of Highway 427 (collectively, the “**Proposed Signs**”).

The Applications propose to amend the City of Toronto Sign By-law (Chapter 694 of the Toronto Municipal Code) in the following ways:

- Exempt a portion of the Bala Subdivision (municipally known as 3300 Leslie Street) directly adjacent to Highway 401 and a portion of the Galt Subdivision approximately 10 metres from the western limit of Highway 427 from area-specific restrictions that prohibit any third party signs from being erected in those locations;
- Establish site-specific regulations for the Proposed Signs; and
- Establish a total of ten new area-specific prohibitions on the display of third party signs within 100 metre radius of specific portions of the Bala Subdivision, Oakville Subdivision, Kingston Subdivision, and Galt Subdivision.

The effect of the Applications will see the installation of the Proposed Signs adjacent to Highway 401 and Highway 427 and the removal of ten existing billboards located in other parts of the City. The Proposed Signs will each have two rectangular sign faces in a “v-shaped” configuration, each sign face measuring 4.27 metres (vertical) by 14.63 metres (horizontal), and be at a height ranging from 18 to 22.86 metres.

On May 31, 2022, the Planning and Housing Committee (the “**Committee**”) considered the Applications in Items PH34.16 and PH34.17. Prior to the vote, a Member of the Committee attempted to challenge the procedural basis of the Applications, asserting that the Applications should have proceeded by way of variances (rather than amendments) to the Sign By-law and should have been heard by the Sign Variance Committee (rather than the Committee). The Committee met in closed session to consider confidential and privileged information on these Items. Ultimately, the Committee voted to recommend approval of the Applications to City Council. City Council will consider the Applications at its meeting on June 15, 16 and 17, 2022.

Based on our review of the Sign By-law, it is our opinion that the correct procedural route for the Applications is amendments to the Sign By-law for the reasons set out below.

Section 694-31A of the Sign By-law provides that a person must apply for an amendment (rather than a variance) to the Sign By-law where one (or more) of the following circumstances apply:

- (1) The proposed sign is expressly prohibited by § 694-15B;
- (2) The proposed sign would not comply with one (or more) of the following provisions:
 - (a) a provision of Article II (Sign Permit Regulations), other than § 694-6;
 - (b) sections 694-15, 694-16, 694-17, 694-19 or 694-23 of Article III (Sign Regulations and Requirements); or
 - (c) any provision contained in Article I (General Provisions), Article IV (Enforcement), Article V (Variances and By-Law Amendments), Article VI (Sign Variance Committee) and Article VII (Transition).
- (3) The proposed amendment would alter the sign district designation of a premises as indicated in Schedule A to Chapter 694; or
- (4) The proposed amendment would implement a prohibition with respect to the erection or display of signs generally or with respect to specific premises or areas.

In accordance with section 694-31A (2)(b) above, the Proposed Signs do not comply with section 694-19 (Sign District). The Proposed Signs, which are located in the Utility District, also do not comply with district-specific regulations for third party signs in a Utility District as set out in Section 694-25.

In accordance with section 694-31A (4) above, the Applications propose ten new area-specific prohibitions on the erection and display of third party signs on or within 100 metres of where the existing billboard signs are proposed to be removed. The introduction of these site-specific area restrictions requires an amendment to section 694-24 of the Sign By-law.

Since the Applications fall within the circumstances described in 694-31A (2)(b) and (4) above, it is our opinion that the Applications must proceed by way of amendments to the Sign By-law and are properly before the Planning and Housing Committee and City Council.

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Should you have any questions arising from the above, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in cursive script that reads "Patrick Harrington".

PATRICK J. HARRINGTON
Partner

PJH/JCMF/cg

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