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May 18, 2022

Sent via E-mail
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File: 0021362.0882

Chair Gord Perks and Committee Members
Toronto East York Community Council
Toronto City Hall
100 Queen Street West
12th Floor, West Tower
Toronto, ON M5H 2N2

Attention: Ms. Ellen Devlin, Secretariat

Dear Chair Perks and Members of Committee:

**Re: 383-387 Sherbourne Street
Zoning Amendment and Rental Housing Demolition Application
Item TE33.10
Toronto and East York Community Council – May 26, 2022**

We are the solicitors for the Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada (the “**Archdiocese**”), the owner of the lands located directly to the south of and abutting the property known municipally as 383-387 Sherbourne Street that is the subject of a zoning by-law amendment application that has been appealed by the applicant to the Ontario Land Tribunal (the “**Proposed Development Site**”).

The Archdiocese’s property, 381 Sherbourne Street, is where the Sacré Coeur Parish Church Building and rectory are located.

We have written previously on behalf of our client to City Council on January 24, 2022. That letter sets out the Archdiocese’s concerns with the proposed zoning by-law amendment for the Proposed Development Site and specifically asked that City Council instruct the City Solicitor and Staff to oppose the appeal and the application before the Ontario Land Tribunal. We note that the recommendations of City staff and the Request for Directions Report before you at this meeting contains exactly the same recommendation. We would therefore ask that the Committee adopt City staff’s recommendations and recommend City Council instruct the City Solicitor and other City Staff to oppose the appeal and the application before the Ontario Land Tribunal.

The specific concerns of the Archdiocese with respect to this development are set out in the attached January 24, 2022 letter.

Thank you for your considerations.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac

Encl.

cc Client





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January 24, 2022

Sent via E-mail
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Mayor Tory and Members of City Council
City of Toronto
New City Hall
100 Queen Street West
12th Floor, West Tower
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft, City Clerk -
Secretariat

Dear Mayor Tory and Members of Council:

**Re: Comments from The Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada
Application by NJS Sherbourne Inc. for Zoning By-law amendment affecting 383-387 Sherbourne**

We are the solicitors for the Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada (the "Archdiocese"), the owner of the lands located directly to the south of and abutting the property known municipally as 383-387 Sherbourne Street (the "**Proposed Development Site**").

Our client's property is known municipally as 381 Sherbourne Street, upon which is located the Sacré-Coeur Parish's ("Paroisse du Sacré-Coeur") church building and rectory (the "**Church Lands**").

The Proposed Development Site is the subject of a zoning by-law amendment application (the "**Application**"). The Application proposes a 49 storey residential tower with a 4 storey building base.

Our client recently received notice of and attended the public, Community Consultation Meeting for this application held on January 18, 2022. This was the first public meeting in relation to the Application. Our client's planner, Mr. Paul Stagl made oral submissions at that public meeting setting out the Archdiocese's concerns. At that Community Consultation Meeting it became clear to our client that the Applicant is unlikely to consider significantly modifying its proposed development to address the impacts on the Church Lands or to adequately consider the redevelopment potential of the Church's Lands.

As a result, we are writing to express our client's comments and concerns with the Application. As indicated by Mr. Stagl at the public meeting, it is the proposed built form and siting of the proposed development that generated the Archdiocese's initial concerns. At a

minimum, our client is concerned with the proposed 5.5 metre south setback of the residential tower from the Church Property, particularly in contrast to the 12.5 metre setback proposed for the north property line. The proposed development exports the obligation to provide an appropriate separation distance between towers onto the Church Lands, potentially sterilizing the Church Property from future redevelopment with a tall building. The planning rationale for the Application's conclusion that there is no potential for the Church Lands redeveloping with a tall building simply failed to consider all potential redevelopment options on the Church Lands.

We understand that the Application was appealed by the Applicant to the Ontario Land Tribunal before the statutory public meeting required by subsection 34(12) of the *Planning Act* shortly after the Community Consultation Meeting. Our letter therefore asks that City Council instruct the City Solicitor and staff to oppose the appeal and the Application before the Ontario Land Tribunal.

Furthermore, we would ask that the City continue to provide my client notice of any further steps in the Application and appeal process, consider and forward this communication as part of the record to be forwarded to the Tribunal, provide Mr. Stagl and the Archdiocese's names in the list of those who made oral submissions at a public hearing in accordance with O. Reg 545/06 and indicate to the Tribunal that notice of any hearing events in the appeal of the Application be given to the following so party status can be sought for the Archdiocese:

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Please contact us if you require any further information.



Thank you.

Yours very truly,

MILLER THOMSON LLP

Per:



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