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Sent via E-mail

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File No. 0021115.1043

Attention: Members of North York Community Council

Re: Comments from the Toronto Catholic District School Board
3180-3202 Yonge St, Toronto (“Subject Property”)
Demolition Application (“Application”)
NYCC Item NY15.19

Miller Thomson LLP is legal counsel for the Toronto Catholic District School Board (“**TCDSB**”), the registered owner of the property municipally known as 24 Bedford Park Avenue in the City of Toronto (“**TCDSB Property**”). Blessed Sacrament Catholic School is located on the Property.

Background

We are writing to the North York Community Council (“**Community Council**”) with respect to the above-captioned Application for the above-noted Subject Property, adjacent to the east of the TCDSB Property. Given the proximate nature of the TCDSB Property to the Subject Property, the TCDSB has been closely monitoring the development activity on site, including the recent zoning amendments to permit the development of an 11-storey, mixed use building (“**Proposal**”) and the subsequent Ontario Land Tribunal (“**OLT**”) appeal and decisions.

The TCDSB is now also aware of the demolition permit application that has been filed and that will be before Community Council for decision on July 9th, 2024. As per Chapter 363 of the Toronto Municipal Code, the demolition permit application is required to go to Community Council for decision as it proposes to demolish 6 rental units for which building permits for replacement buildings have not been issued.

Further, the TCDSB is also aware that the applicant has recently submitted a Committee of Adjustment application (File No. A0312/24NY) seeking approval for a minor variance for the same recently approved Proposal. While details on the application are not yet available, it is our understanding that the applicant will seek additional height, further to the already approved height of the Proposal.

TCDSB Concerns

It is the TCDSB's understanding, based on the OLT decision and settlement offer between the developer and the City of Toronto ("**City**") related to the rezoning approval and Proposal, that prior to any excavation and shoring work, the owner of the Subject Property would prepare and submit a Construction Management Plan to be implemented during the course of construction. The TCDSB is concerned with demolitions taking place in advance of a Construction Management Plan being developed by the owner, and reviewed by the TCDSB. A Construction Management Plan is critical to ensuring pupil safety. In addition, a Crane Swing and Tieback Agreement will be required to be negotiated and finalized between the developer and the TCDSB for this development.

Further, we have now had the opportunity to review City staff's report dated June 5th, 2024 which is to be considered at the July 9th, 2024 Community Council meeting, where staff have laid out three recommendations for Community Council's consideration, one of which suggests the refusal of the demolition permit application.

We take this time to offer TCDSB's comments to Community Council and advise that the TCDSB continues to have concerns with the lack of construction management planning and regard for the construction's inevitable impacts on the School Property with respect to the safety of students.

TCDSB Request

The TCDSB submits that, at this time, it would be premature to approve the demolition permit application until a Construction Management Plan has been produced and further discussions are had to identify and consider the construction management strategy as it relates to the TCDSB Property to address the TCDSB's safety concerns.

We request that Community Council refuse the Application until such time as a Construction Management Plan is settled, which includes an opportunity for the TCDSB to be involved in the development of the same, to assist in addressing student safety concerns.

The TCDSB also submits that it would be premature to approve the demolition permit application until such time as the City and the community, including the TCDSB, understand the nature of the relief that may be granted by the Committee of Adjustment further to the application that is the subject of Committee of Adjustment File No. A0312/24NY. Further, although a hearing for the aforementioned Committee of Adjustment application has not been scheduled, the TCDSB also requests that information and notification with respect to the minor variance application be provided.

The TCDSB will continue to monitor the Subject Property. Should additional concerns be identified, these will be communicated to both the City and the applicant at the earliest time possible. As always, the TCDSB remains committed to working with the City and the applicant.

We respectfully submit the above for consideration and request that the TCDSB, through its counsel, be notified of any matters related to the Proposal or the Subject Property, be included in all public communications on this matter and be provided notice of all City of Toronto meetings with respect to the 3180-3202 Yonge Street, moving forward.



Should you have any questions or require further information with respect to the above, please do not hesitate to contact the undersigned or, in her absence, Sandra-Luna Martinez at sluna-martinez@millerthomson.com or 416-595-8565.

Yours truly,

MILLER THOMSON LLP

Per:

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- c. Michael Loberto, TCDSB
- Erica Pallotta, TCDSB
- Sandra Luna-Martinez, Miller Thomson LLP
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