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[theara.org](http://theara.org)

January 20, 2024

To: Clerk and Members of TEYCC  
City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Clerk and Members,

**RE: Seeking approval of TE10.42-316 Bloor Street West – Request for City Solicitor to attend at the TLAB**

We are writing first to express our support for Councillor Saxe's motion to direct City Legal to appeal the recent decision at the Committee of Adjustment (CofA) regarding the property at 316 Bloor St W.

The project had previously been approved through extensive community consultation via a re-zoning process and settlement through LPAT. The additional variances sought last month by the developer through the CofA were hardly "minor" in nature, including a 28% increase in height and loss of 30% of outdoor amenity space. Yet the CofA approved the application.

Under recent regulation, the community has no right to appeal this decision. And that is why **we urge Council to approve TE10.42-316 directing City Legal to take the decision to the Toronto Local Appeal Body (TLAB).**

We are also **seeking removal of support at TLAB regarding 300 Bloor St W** as we see using the CofA as an unfair method for developers to use. This use of the CofA is short-cutting the democratic process and shutting out the community's right to consult.

In a similar application to CofA, the developer at 300 Bloor St W sought both a 17% increase in height and loss of 22% of outdoor amenity space. Committee members in that case rightly rejected the application on the grounds it was not minor in nature.

Yet because of the favourable CofA decision rehearsed above for significantly greater variances at 316 Bloor St W, the developer of 300 Bloor St W has naturally launched an appeal at TLAB of its own denial.

Consequently, in addition to challenging the approval of 316 Bloor St W, we would ask that Council rescind its direction to support the appeal of 300 Bloor St W.

It is our contention that if allowed to continue, this abusive use of the CofA for approving significant changes will impact innumerable projects already approved across Toronto. In the face of the CofA's troubling, inappropriate, contradictory, and inconsistent decisions, we urge Council to curb this practice from the outset.

It constitutes nothing less than **double dipping** on the part of the developers and is an affront to community participation.

Sincerely,

Rita Bilerman  
Chair, Annex Residents' Association

Cc:  
 Olivia Chow, Mayor  
 Wendy Walberg, City Solicitor  
 Dianne Saxe, City Councillor  
 Kerri Voumvakis, Chief Planner and Executive Director  
 Oren Tamir, Director, Director, Community Planning, TEY District  
 David Dreidger, Manager, Community Planning, TEY District  
 Sarah Rogers, Project Manager, Zoning and Committee of Adjustment Branch  
 Aviva Pelt, Senior Planner, Community Planning, Central Section, City Planning

## APPENDIX

Two recent decisions rendered a month apart on projects a mere city block apart illustrate the scope of the problem.

REFUSED at C of A				APPROVED at C of A		
<b>300 Bloor St. W. Nov. 8, 2023</b>  <b>REFUSED C of A; TLAB appealed by developer</b> <b>City legal directed to support the developer</b>  <b>No consultation, failed four planning tests for CofA</b>				<b>316 Bloor St. W. Dec. 13, 2023</b>  <b>APPROVED Cof A; City appeals; continuation of appeal</b> <b>requires City Council approval Feb. 6 in an <i>in camera</i> meeting</b>  <b>Minimal consultation, passed four planning tests for CofA</b>		
	Zoned	CofA Request	% Change	Zoned	CofA Request	% Change
Storeys	29	34	+17%	29	37	+27.6%
Height	104 m	120.5 m	+15.8%	98 m	121.4 m	+23.9%
3 parcels	100.5	117	+16.4%			
	97	113.5	+17%			
Area	27,000 sm	30,368 sm	+12.4%	22,450 sm	28,336 sm	+26.2%
LOSS AMENITY						
Indoor amenity/unit	1.88 sm	1.64 sm	-12.8%	4.0 sm	3.2 sm	-20%
Outdoor amenity/unit	2.00 sm	1.56 sm	-22%	0.5 sm	.35 sm	-30%
City Planning condition s.45(9) : <b>\$2.5 million</b>				City Planning condition s.45(9) : <b>\$1 million</b>		

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These are hardly your garden variety CofA variances. The issue is not one of 8 inches but of 8 storeys. In addition to the inconsistent decisions, both files had inconsistent community benefits attached negotiated in advance by City staff. **Again, the developer who was approved the larger changes was assessed at a fraction of the condition under s.45(9) - \$2.5 Million vs \$1 Million.**