



January 23, 2024

City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2  
Attention: Cathrine Regan

**RE: TE10.42 -316 Bloor Street West – Request for City Solicitor to attend at the TLAB (Ward 11)**

Dear Chair, Councillor Moise and Members, Toronto and East York Community Council,

We are writing to express our **strong support** for Councillor Saxe's motions that:

- 1. City Council authorize the City Solicitor to both appeal and attend the Toronto Local Appeal Body, with appropriate City staff, in order to determine whether the variances approved by the Committee of Adjustment (CofA) regarding the proposed development at 316 Bloor Street West (Application Number A0597/23TEY) were "minor".**
- 2. City Council authorize the City Solicitor to retain outside consultants as necessary.**
- 3. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding Application Number A0597/23TEY respecting 316 Bloor Street West and City Council authorize the City Solicitor to resolve the matter on behalf of the City, at the City Solicitor's discretion, after consultation with the Ward Councillor and the Director, Community Planning, Toronto East York District.**

The 316 Bloor Street West development project had previously been approved through the regular zoning bylaw process with extensive community consultation, and ultimately via settlement through LPAT. The additional variances sought by the developer through the CofA are hardly "minor" in nature. They proposed a 28% increase in height and a 30% reduction of outdoor amenity space. Yet the CofA approved the new application! As a result of Bill 23, residents no longer have the right to appeal the Committee of Adjustment decision. Only Council (and the applicant) can appeal.

We note that the use of the Committee of Adjustment to vary decisions previously arrived at through zoning bylaw process is not limited to 316 Bloor Street W. In a similar CofA application the developer at 300 Bloor St W sought both a 17% increase

in height, and 22% reduction of outdoor amenity space. In that case the CofA correctly rejected the application on the grounds that it was not minor in nature. However, unsurprisingly, the developer of 300 Bloor St W has launched a TLAB appeal of its CofA rejection, presumably citing the 316 Bloor St. W, precedent, as a favourable CofA decision (for larger variances).

Consequently, in addition to appealing the CofA approval of 316 Bloor St W, we recommend that:

- **City Council rescind its direction to support the TLAB appeal of 300 Bloor St W.**

We agree with the Annex Residents Association in its 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."

Of great concern to FoNTRA is that this practice of permitting post ZBA approval applications to the CofA is taking root without any policy review of the implications by City Council. This trend does not conform with the implementation of the Committee of Adjustment KPMG Review.

As such, we recommend that:

- **Post-ZBA applications to the CofA be disallowed pending a report on the practice as part of the Committee of Adjustment KPMG Recommendations and Transformation Initiatives**

Yours truly,

Geoff Kettel  
Co-Chair, FoNTRA

Cathie Macdonald  
Co-Chair, FoNTRA

Cc: Rita Bilerman, President, Annex Residents Assn.  
Kyle Knoeck, Director, Committee of Adjustment and Zoning, City Planning  
David Driedger, Manager, Community Planning, Toronto and East York, North District  
Sarah Rodgers, Project Manager, Committee of Adjustment and Zoning

**The Federation of North Toronto Residents' Associations (FoNTRA)** is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 250,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.