

March 24, 2026

VIA EMAIL - councilmeeting@toronto.ca

City Clerk's Office

Toronto City Hall
100 Queen Street West
Toronto, Ontario, M5H 2N2

Dear Mayor Chow and Members of City Council

Re: Item - 2026.EY29.1

**250 Wincott Drive and 4620 Eglinton Avenue West
Zoning By-law Amendment Application - Decision Report - Approval & Supplementary
Report**

Aird & Berlis LLP is counsel to Montrin Richview GP Inc. (our “**Client**”). Our Client is the owner of the lands municipally known as 250 Wincott Drive and 4620 Eglinton Avenue West in the City of Toronto (the “**Subject Lands**”).

Please be advised that on March 19, 2026 our office filed an appeal of our Client’s Zoning By-law Amendment Application to the Ontario Land Tribunal. A copy of the appeal letter is attached hereto.

Our Client has appealed its application notwithstanding that City Staff **recommended approval** of the proposed Zoning By-law Amendment for the Subject Lands. The appeal has been filed primarily in response to changes to the proposed Zoning By-law Amendment recommended by Etobicoke York Community Council, which changes are contrary to the advice of the City’s professional planning and transportation staff.

As is explained in the appeal letter, the recommendations of EYCC in this matter seeks to unwind previous decisions of City Council on key aspects of the development proposal, including the use of private road to service the development, directly contrary to the advice and recommendation of City staff. The effect of these changes is to require the redesign of the buildings both above and below grade and may also impact the extent of public parkland previously secured on the Subject Lands.

More importantly, the immediate effect of the recommendations of EYCC is to undermine approvals recently issued by the Ontario Land Tribunal to grant certain variances in respect of Building C, a purpose-built rental building with 20% affordable housing units. This project was identified as a priority project by the City in December 2024 as part of the Purpose-Built Rental Housing Incentives Call for Applications. It was further identified as a priority project by the City in March 2025 to be supported by the Apartment Construction Loan Program (ACLP) and administered by the Canada Mortgage and Housing Corporation (CMHC).

The City of Toronto issued NOAC for the Site Plan Control approval of Building C on February 10, 2026. Our Client is actively working through the pre-approval conditions, including the Site Plan

Agreement with the City of Toronto. To remain eligible for the financial incentives provided for under the City's Purpose-Built Rental Housing Initiative and to secure CMHC funding, construction must commence on Building C this year. The EYCC recommendations undermine these recent approvals and creates a significant uncertainty for our client and its partners.

For all the above reasons, and as expanded upon in the appeal letter attached, we respectfully **request that City Council refrain from directing the City Solicitor to attend in opposition to our Client's appeal and to refrain from directing the City Solicitor to retain external consultants for the appeal.**

Instead, **we endorse the recommendation from the Interim Executive Director, Development Review, in the Supplemental Report dated March 24, 2026** (attached) on this item which recommends as follows:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in support of the proposed development and request to amend the City's Appeal Report -250 Wincott Drive and 4620 Eglinton Avenue West (Supplementary Report) Official Plan and applicable zoning by-law as described in the Approval Report of the Director, Community Planning (November 6, 2025) for the lands at 250 Wincott Drive and 4620 Eglinton Avenue West.
2. City Council authorize the City Solicitor to take any necessary steps to implement City Council's decision, including requesting any conditions of approval that would be in the City's interest, in the event the Ontario Land Tribunal allows the appeal, in whole or in part.

We encourage City Council to rely and accept the recommendations set forth in the November 6, 2025 Decision Report - Approval and the advice of City staff, together with the recommendations of the City's Interim Executive Director, Development Review. To do so will be consistent with City Council decisions in the past and will ensure the delivery of this important purpose built rental and affordable housing project is not impeded or delayed any further.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC:gg
Attach.

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March 19, 2026

By Courier and Email: RegistrarCCO@toronto.ca

City Clerk
City Clerk's Office
Registrar Secretariat
2nd Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Our File No. 162711

Dear: Registrar Secretariat

**Re: City File No. 23 101352 WET 02 OZ
250 Wincott Drive and 4620 Eglinton Avenue West
Appeal of Zoning By-law Amendment Application**

Aird & Berlis LLP is counsel to Montrin Richview GP Inc. ("**Montrin**" or our "**Client**"). Our Client is the owner of the lands municipally known as 250 Wincott Drive and 4620 Eglinton Avenue West in the City of Toronto (the "**Site**"). The Site is located at the northwest corner of Eglinton Avenue West and Wincott Drive, between Kipling and Islington Avenues.

For the reasons set out below, and on behalf of our client, we hereby appeal the City's failure to make a decision within 90 days after receipt of the Zoning By-law Amendment Application ("**ZBLA**") pursuant to section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13*.

Montrin files this appeal notwithstanding that City Staff issued a Decision Report which **recommends approval** of its Zoning By-law Amendment application. The appeal is in response to the February 18, 2026, resolution of Etobicoke York Community Council which includes revisions to our Client's Zoning By-law Amendment. The recommendation of EYCC seeks to unwind previous decisions of City Council and the Ontario Land Tribunal on key considerations, including the use of a private road to service the development, and is not supported by Community Planning or Transportation Review staff. The proposed changes create substantial uncertainty for and directly impacts the development of the Site including delivery of already approved purpose-built rental housing and affordable housing units.

Additionally, and given that City Staff have provided a comprehensive Decision Report recommending approval, together with a response to the specific issues raised in the motion from EYCC, we also request that City Council **not** direct the City Solicitor to attend in opposition to the appeal.

2021 Approval by City Council

In 2021, City Council approved a Zoning By-law Amendment on the Site through the passage of By-law 834-2021 (File No. 18 150932 WET 04 OZ). The 2021 Zoning By-law permits a multi-building, mixed-use development on the Subject Lands comprising three buildings of 11 and 11 storeys (i.e. Buildings A & B); 43.0 metres (Building C) and the retention of a portion of the existing Richview Square Plaza (i.e., Building D).

The approval also included a 1,700m² public park, a 659m² publicly accessible open space, a 465m² community agency space to be dedicated to the City and affordable housing. The affordable housing component was set as a percentage of the total units and was permitted to be delivered in a phased manner.

From the outset, the development was planned to be serviced by a new “L”-shaped private road connecting Wincott Drive and Eglinton Avenue West. The private road was secured in Diagram 4 to the 2021 Zoning By-law. In approving the 2021 Zoning By-law, City Council had advice from both Planning and Transportation staff that that a public road was not necessary to support the redevelopment of the Site for mixed use purposes including retail/commercial and community uses. Instead, the proposed private road and overall site design were deemed appropriate and acceptable. This determination was reflected in Staff’s Final Report (March 31, 2021), which recommended approval of the application and was endorsed by Council on July 14–16, 2021.

To quote directly from the report [emphasis added]:

*“The proposed access driveways of the site would be connected by an internal private street system. Public Realm, Official Plan Policy 3.1.1.17 states “new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives of new streets”. Although Planning staff explored securing the proposed private street as a new public road, it was determined during the application review process that existing easements with the adjacent property to the immediate west would encumber the proposed location of a new public street. Engineering and Construction Services have indicated that all new public roads that are to be assumed by the City are required to be free and clear of any above or below-grade encumbrances, and as such the **City would have no interest in assuming a public road at this location**. The applicant has already, by way of a consent application, created reciprocal easements/rights-of-way for the private street that would allow for pedestrian and vehicle access. In addition to the existing easements, the City would be securing additional easements in favour of the City through the Site Plan Control process. **The proposed private street and the adjacent public realm has been designed to meet the design objectives of new public streets.**”*

City Staff have maintained the appropriateness of the private road in this particular circumstance and in the context of the Zoning By-law Amendment that is currently proposed. Following the rezoning approval, on April 14, 2022, an application for Site Plan Control (File No. 22 136287 WET 02 SA) was filed to advance Buildings C and D, which comprise Phase 1 and 2 of the redevelopment.

2025 Minor Variance Approval by Ontario Land Tribunal and Issuance of NOAC by City

The Ontario Land Tribunal held a hearing on our Client's appeal of its variance application, consent to sever and associated site plan application for Building C in December 2025. The hearing of the variance application and consent to sever proceeded before the Tribunal. The site plan referral was adjourned and withdrawn by our Client once the matters related to site plan approval were resolved with City Staff.

The Tribunal approved the variances and consent to sever noting that the proposal for Building C and overall "represents an appropriate and desirable optimization of the lands ...and supports a multi-phased, mixed-use development without outdoor amenities...". The Tribunal also concluded that the proposal was consistent with the PPS 2024 providing "a full range of housing options".

Building C includes the provision of 74 affordable housing units, or 20% of the total units within the building. The City selected Building C – which provides both purpose-built rental and affordable housing – in December 2024 as part of the Purpose-Built Rental Housing Incentives Call for Applications. It was further identified as a priority project by the City in March 2025 to be supported by the Apartment Construction Loan Program (ACLP) and administered by the Canada Mortgage and Housing Corporation (CMHC).

The City of Toronto issued NOAC for the Site Plan Control approval of Building C on February 10, 2026. Our Client is actively working through the pre-approval conditions, including the Site Plan Agreement with the City of Toronto. To remain eligible for the financial incentives provided for under the City's Purpose-Built Rental Housing Initiative and to secure CMHC funding, construction must commence on Building C this year.

2023 Zoning By-law Amendment Application

The new Zoning By-law Amendment application (File No. 23 101352 WET 02 OZ) builds on the original 2021 approval and seeks two primary changes:

1. an increase in the proposed building heights, from 11 to 24 storeys for Building A and 11 to 29 storeys for Building B; and
2. a corresponding increase in the number of dwelling units and affordable housing units, from 587 total units and 54 affordable units to 1,060 total units and 101 affordable units, respectively.

The proposal otherwise maintains the general components of the 2021 Approval including the delivery of a 1,700m² public park, a 659m² publicly accessible open space, and a 465m² community agency space.

The proposal continues to contemplate an "L"-shaped private road connecting Wincott Drive and Eglinton Avenue West. The private road has been designed to appear and function as a public right-of-way in accordance with City standards and subject to easements in favour of the City to secure public access. City Staff have consistently endorsed the continued use of the private road – subject to public easements – and its design.

Importantly, the north-south portion of the proposed private road is encumbered today by easements in favour of the adjacent land owner (4650 Eglinton Avenue West). As explained below, securing these easements in favour of the adjacent owner was a condition of the agreement of purchase and sale for the Site between BuildTO and our Client. The easterly portion of the private road, together with encumbrances below grade to facilitate the underground parking structure for Building C, were recently approved by the Ontario Land Tribunal in OLT-25-000563 and by the City through the issuance of Notice of Approval Conditions (NOAC) for the Building C and D Site Plan Control application on February 10, 2026.

City staff have recommended approval of the Zoning By-law Amendment, including the proposed private road, in the Decision Report dated November 6, 2025. We concur with the planning rationale set out by City Staff in the Decision Report.

Private Road Contemplated in the Agreement of Purchase and Sale with the City/BuildTO

The original 2017 Agreement of Purchase and Sale (“APS”) of the lands between Build Toronto Inc. and the predecessor in title to our Client expressly contemplated both a private road system and the ability of the purchaser, and now our Client, to organize the development predicated on same, including building beneath the private road.

The Agreement provides as follows:

“and (B) the Purchaser shall have the right and ability to build portions of the Project below the private north-south road to be constructed or the lands”

The concept of a private road, and the ability to construct below the private road, has been an organizing principle from the outset of this project and a material factor in the original APS. A decision by the City to change a material element of the project, particularly when it is contrary to the advice of its professional planning and transportation staff, can only be seen as an attempt to frustrate the original agreement.

That APS also expressly contemplated the creation of easements to benefit the adjacent landowner which are now registered on title to the lands and further encumber the private road. There is no ability by the City through approval of the rezoning application to require the adjacent property owner to consent to the removal of easements.

Private Road Supported by City Staff from a Traffic Operations Perspective

It is acknowledged that the nature and extent of the development proposed on the Site is different from the original approval by the City in 2021. City Staff have consistently maintained that the nature and scale of the development is supported by the private road and that traffic operations on the private road are acceptable. Importantly, the same degree of access to the retail component of the lands which exists today – over private lands – will be secured in the future via an easement in favour of the City/public.

Importantly, there is no evidence that City ownership of the private road is necessary for the development to proceed or for public access through the development, including the retail component, to be secured.

In fact, City staff have consistently advised that the use of a private road to support the development is appropriate in these circumstances. City staff have done so in reports issued in 2021, 2024, 2025 and again through the issuance of NOAC in February 2026.

EYCC Amendments are Contrary to Staff Recommendation, Prior Approvals/Decisions & Create Uncertainty

The resolution of EYCC directs the following changes to the Zoning By-law Amendment recommended for approval by City Staff in the following ways:

1. Amend the diagrams 4, 5, and 6 to:
 - a. include a public street right of way with a nominal width of 20.0 metres and with a label “New Public Street A” running westward from the intersection of Wincott Drive and Waterford Drive, and turning southward to intersect with Eglinton Avenue West and the new park at the southwest corner of the site;
 - b. to apply a setback of 3.0 metres between each of buildings A, B, and C to new public right of way;
 - c. amend section DD of the draft zoning by-law amendment as it pertains to the setback of parking spaces from the lot line in order to facilitate the provision of the new public street right of way; and
 - d. delete section NN as it is redundant.
2. Include a holding provision pursuant to section 36 of the *Planning Act* on the western portion of the lands that include Building A and Building B, to be lifted at such time as the Owner has, at their sole expense, conveyed a public right of way of nominally 20 metres in width, on terms and subject to such encumbrances as may be determined to be appropriate by City Council.

As noted above, portions of the private roadway – now proposed by EYCC resolution to be a “New Public Street A” - are either encumbered by existing easements in favour of an adjacent landowner or will be encumbered by the development of Building C as approved by the Ontario Land Tribunal and by NOAC issued by the City of Toronto earlier this year. Our Client is pursuing the clearance of pre-approval conditions to enter into a Site Plan Agreement with the City and to commence construction on Building C this year.

The new requirement of a 3m setback from each of Buildings A, B and C “to the new public right of way” would require, if approved, the redesign of Buildings A and B to remove conflict with the building footprints at grade and the re-design of the integrated and connected below grade parking facilities. It has the immediate and material effect of rendering the **approved** Building C, which would encroach in the new 3m setback both at and below grade, non-compliant. Additionally, based on our initial review the proposed width of the public road will also result in a loss of parkland as it would require portions of the 1,700m² public park to be conveyed as a public road. The significant implications of the EYCC amendments to the rest of the proposed Zoning By-law were clearly not considered and have not been addressed.

Finally, the EYCC motion seeks to impose a Holding Provision which requires the “conveyed a public right of way of nominally 20 metres in width, on terms and subject to such encumbrances as may be determined to be appropriate by City Council” while, at the same time, directing staff to report back to City Council in the first quarter of 2027 on “potentially acceptable terms and conditions for the potential conveyance of the new public road” to be recommended. In so doing, the motion from EYCC renders the Holding Provision impossible for our Client to fulfill. This is clearly contrary to Section 36 of the *Planning Act*.

The EYCC changes, including the Holding Provision, create uncertainty as to the timing of future development, including the delivery of additional affordable housing units in Buildings A and B, the public park and POPS spaces, and the City-owned community agency space.

Overview of Policy Framework – Zoning By-law Amendment is Consistent with the PPS and Conforms to the OP

The Zoning By-law Amendment as recommended by City Staff represents appropriate intensification in an appropriate form on a property well positioned to utilize existing and planned transit. The additional height and density sought for Buildings A and B results in a built form which appropriately transitions to the lower scale neighbourhoods in a form deemed appropriate by City Staff.

The Zoning By-law Amendment is consistent with the Provincial Planning Statement 2024 (“PPS”) in optimizing the opportunity for intensification and the delivery of housing, including an increase in the overall amount of affordable housing. The Zoning By-law Amendment, which also delivers important community benefits and provides for the revitalization of the Richview Plaza space, supports the delivery of complete communities.

The Site is designated *Mixed Use Areas* and is located along an identified *Avenue* and planned *Transit Corridor Expansion Element* in the City of Toronto Official Plan (“OP”). The Site is also located within the City’s draft delineation of the Major Transit Station Area associated with the future Kipling-Eglinton Station along the under-construction Eglinton Crosstown West Extension (“ECWE”). The proposed development, including the provision of the private road, conforms to the OP. The Site is zoned CR 0.5 (c0.5; r0.0) SS3 (x310) pursuant to By-law 569-2013, as amended. Exception 310 was added by site specific by-law By-laws 834-2021 (i.e. the 2021 Approval). Amendments are required to the facilitate the development of the Site as contemplated in the 2023 Zoning By-law Amendment application.

Appeal

For all the above reasons, we appeal the City’s failure to make a decision within 90 days after receipt of the Zoning By-law Amendment Application (“ZBLA”) pursuant to section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13*. Enclosed with this letter is a cheque in the amount of \$1,100, payable to the Minister of Finance, representing the filing fee for the appeal, as well as the completed OLT Appellant A-1 Form.

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We trust the enclosed is satisfactory. Should you require any further information, please do not hesitate to contact the undersigned or Sandra Marki, a Land Use Planner in our office at 416-865-4705 or smarki@airdberlis.com.

Thank you.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC:gg
Encl.

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250 Wincott Drive and 4620 Eglinton Avenue West – Zoning Bylaw Amendment Application – Supplementary Report

Date: March 24, 2026

To: City Council

From: Interim Executive Director, Development Review

Ward: 2 – Etobicoke Centre

Planning Application Number: 23 101352 WET 02 OZ

SUMMARY

On January 6, 2023, a Zoning By-law Amendment application was submitted to amend a Site Specific Zoning By-law to increase the heights of two of the four buildings (Buildings A and B) from 11-storeys each to 24- and 29-storeys. The proposal continues to provide the main elements from the approved application (18 150932 WET 04 OZ) including a public park, privately owned publicly-accessible space (POPS), and private street with access from Wincott Drive and Eglinton Avenue West. The current proposal does not seek changes to Buildings C and D in the Site Specific By-law.

Following the statutory public meeting at Etobicoke York Community Council, on February 18, 2026, the applicant appealed the application to the Ontario Land Tribunal (OLT), on March 19, 2026, citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*.

This supplementary report deletes and replaces the recommendations of the Approval Report, dated November 6, 2026, with new recommendations to reflect the appealed status of the application. Consistent with the Approval Report, staff continue to recommend support for the proposal in its current form.

RECOMMENDATIONS

The Interim Executive Director, Development Review, recommends that recommendations 1 and 2 in the Approval Report, dated November 6, 2025, be deleted in their entirety and replaced with the following:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in support of the proposed development and request to amend the City's

Official Plan and applicable zoning by-law as described in the Approval Report of the Director, Community Planning (November 6, 2025) for the lands at 250 Wincott Drive and 4620 Eglinton Avenue West.

2. City Council authorize the City Solicitor to take any necessary steps to implement City Council's decision, including requesting any conditions of approval that would be in the City's interest, in the event the Ontario Land Tribunal allows the appeal, in whole or in part.

FINANCIAL IMPACT

There are no financial implications resulting from the recommendations included in this Report in the current budget year or in future years.

DECISION HISTORY

On December 5, 2017, Build Toronto (now CreateTO) entered into an Agreement of Purchase and Sale for 4620 Eglinton Avenue West with the owners of an adjoining parcel of land known as 250 Wincott Drive. The adjoining parcel and the sold lands created the development site that is currently addressed as 250 Wincott Drive and 4620 Eglinton Avenue West. This real estate transaction closed on December 10, 2021, and secured a number of City-building obligations including the purchaser's delivery of affordable housing on the site. A condition of the sale included the purchaser's obligation to complete a Zoning By-law Amendment application prior to closing, which occurred under the 2021 application (18 150932 WET 04 OZ). This application was approved by City Council in July 2021. The Report, Council decision, and implementing By-laws can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2021.EY25.1>.

Since Council approved the development concept for the 2021 application, the applicant submitted a number of Committee of Adjustment applications, including:

- the approved 2022 Minor Variance application (file number A0416/22EYK) to modify loading space requirements;
- the approved 2022 Consent application (B0034/22EYK) to relocate easements;
- the approved 2023 Minor Variance application (A0180/23EYK) to modify the unit mix and minimum unit sizes in Building C;
- the 2023 Consent application (file number B0033/23EYK) to create a stand-alone development parcel for Building C. The application was deferred as the severance concept was revised in November 2024 and March 2025, and is now appealed to the Ontario Land Tribunal;
- the 2025 Minor Variance application (file number A0078/25EYK) to reduce the number of parking spaces for Building C. The application was denied and is now appealed to the Ontario Land Tribunal; and,

- the approved 2025 Minor Variance application (file number A0288/25EYK) to permit additional residential gross floor area within the approved envelope of Building C.

On June 4, 2025, Etobicoke York Community Council (EYCC) adopted Item [EY23.27](#) directing Development Review staff to consider inclusion of a public street within the development application under review for Buildings A and B. This issue is addressed in the Comments section of the Approval Report for the 2023 Zoning By-law Amendment application (23 101352 WET 02 OZ) that was considered by EYCC on November 26, 2025 as Item [EY27.2](#). The Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.EY27.2>.

On September 17, 2025, EYCC adopted Item [EY25.26](#) directing Development Review staff, in consultation with CreateTO, to provide to provide information to EYCC on October 21, 2025 on various matters, including: the CreateTO sale of the land; the 2021 Council-approved development concept; recent OLT and Committee of Adjustment decisions; and the status of non-residential uses and affordable housing onsite. The Report can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2025.EY26.7>.

On November 26, 2025, EYCC adjourned the public meeting for the 2023 Zoning By-law Amendment application (23 101352 WET 02 OZ), Item [EY27.2](#), and directed staff from Development Review, in consultation with City Planning and Legal Services, to provide further information to EYCC on February 18, 2026 on various matters, including: the Transportation Impact Study; options to provide a public street; recent OLT decisions; FSI under various severance scenarios; and a comparison of the in-force and proposed draft Zoning By-law. The report can be found here:

<https://www.toronto.ca/legdocs/mmis/2026/ey/bgrd/backgroundfile-284357.pdf>.

On February 18, 2026, EYCC adopted the 2023 Zoning By-law Amendment application (23 101352 WET 02 OZ), Item [EY27.2](#), with amendments to the draft Zoning By-law including the requirement to include a new public street and associated building setbacks, a Holding provision, and further assessment and reporting to EYCC on terms and conditions for conveyance of the new public street in Q1 of 2027. The amendments can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2026.EY29.1>.

The OLT appeal of the Site Plan Control application (22 136287 WET 02 SA) for Buildings C and Building D has been withdrawn, and Development Review staff have issued the Notice of Approval Conditions (NOAC) in line with the OLT-approved Minor Variance (A0078/25EYK) and Consent (B0033/23EYK) related to the Site Plan.

On March 19, 2026, the applicant appealed the 2023 Zoning By-law Amendment application (23 101352 WET 02 OZ) to the OLT citing City Council's failure to make a decision on the application within the timeframe prescribed under the *Planning Act*.

COMMENTS

The applicant filed an appeal of the Zoning By-law amendment application to the OLT on March 19, 2026, after Etobicoke York Community Council recommended approval of the proposed development subject to the inclusion of a new public street on the site and a Holding provision, among other matters. The application was appealed on the basis that City Council did not make a decision within the prescribed time frame in the *Planning Act*.

The appealed application is in the same form as the previous submission associated with the Approval Report for the 2023 Zoning By-law Amendment application (23 101352 WET 02 OZ), dated November 6, 2026. City staff continue to support the application in its current form, as detailed in the previous Approval Report, subject to the appropriate conditions. This Report recommends that the City Solicitor, with appropriate staff, attend the OLT in support of the application in its current form.

CONTACT

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SIGNATURE

Oren Tamir
Interim Executive Director
Development Review Division