

ATTACHMENT 2: APPEAL SUBMISSION PACKAGE

Folder No.	Date (yyyy-mm-dd)
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Decision Under Appeal

Variance Decision No. 24-244987			
Street No. 335	Street Name Yonge Street	Lot No.	Plan No.

Appellant Information

First Name J Ken		Last Name Rutherfordd	
Company Name(if applicable) Toronto Camera Centres Limited			Telephone No. (647) 298-4950
Street No. 340	Street Name Yonge Street	Suite/Unit No.	Mobile No. (647) 298-4950
City/Town Toronto	Province Ontario	Postal Code M5B 1R8	Fax No.
E-mail Address jkenrutherford@gmail.com			

Describe the variance that was applied for:
Signage Master Plan variance to install 27 exterior first party signs on temporary structures that have an existing Order to Comply (Order Number 24 112185 WNP 00 V1) outstanding since February 6, 2024 because the structures and the signage on them were built and adhered to without building or signage permits.

Please provide the reasons/justifications for the appeal (attach any supporting documentation or additional pages as required).
After thorough research of the "premises" and the "surrounding area" covering the past 100 years the facts clearly demonstrate that the Signage Master Plan approved by the Chief Building Official on October 1, 2025 does not meet at least 3 fundament criteria included in Chapter 694 of the Municipal Code. 1. Be compatible with the development of the premises and surrounding area; 2. Support the Official Plan Objectives for the subject premises and surrounding area; 3. Not alter the character of the premises and surrounding area. Detailed facts will be provided to the committee.

Attachment Required

- A copy of the original decision on the variance application; and
- Copies of any supporting documents

Continue on next page

Sign Variance Appeal

Appellant Information and Declaration

First Name I, J Ken		Last Name Rutherford	
Company Name(if applicable) Toronto Camera Centres Limited			Telephone No. (647) 298-4950
Street No. of, 251	Street Name Queens Quay West	Suite/Unit No. 207	Mobile No. (647) 298-4950
City/Town Toronto	Province Ontario	Postal Code M5J 2N6	Fax No.
E-mail Address jkenrutherford@gmail.com			
<p>do hereby declare the following:</p> <ul style="list-style-type: none"> that the statements contained in this application are true and made with full knowledge of relevant matters and of the circumstances connected with this application; that any supporting documents submitted are prepared for the sign variance(s) appeal described above and are submitted in compliance with copyright law; and, that the information included in this application and in the documents filed with this application is correct. 			
 Signature		J Ken Rutherford Print Name	October 17, 2025 Date (yyyy-mm-dd)

The personal information on this form is collected under the City of Toronto Act, 2006, S. 136 (b) & (c) and Chapter 694, Signs, General, of the City of Toronto Municipal Code. The information collected will be used for processing applications and creating aggregate statistical reports, for enforcement of the City of Toronto Municipal Code Chapter 694 Signs, General, Chapter 771, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and for contacting permit holder(s) or authorized agent(s). Questions about this collection may be referred to the manager, sign By-law Unit, Toronto Building, 100 Queen Street West, Ground Floor, East Tower, Toronto, M5H 2N2 416-392-4235.

South District

Receipt No: 1836740

Receipt

NOTE: This is not a Permit. Do not construct until a permit is issued.
You will be notified when your permit is ready.

Folder No:	24 244987 ZMP 00 ZR	Date & Time:	October 22, 2025 10:17 AM
Paid By:	TORONTO CAMERA CENTRES LIMITED ATTN J KEN RUTHERFORD 251 QUEENS QUAY W SUITE 207 TORONTO, ON M5J 2N6 CAN		
Project Location:	335 YONGE ST TORONTO ON M5B 1R7		
Project Description:	Zoning Review; Non-Residential Building; Sign		
Fee Description(s):	Cost Centre Number:	Value:	
Sign Bylaw Appeal Fee	9010 - BL0014 - PAYMENT	\$849.04	
Master Card	110584 - PAYMENT	\$-849.04	
Total:		\$.00	
Paid Amount		\$849.04	

<input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Master Card <input type="checkbox"/> Debit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Certified Cheque <input type="checkbox"/> Journal Entry <input type="checkbox"/> Fee Exempt	Bavaro, Silvana <hr/> per Treasurer, City of Toronto
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Fernanda Patza

From: jkenrutherford@gmail.com
Sent: October 17, 2025 9:23 AM
To: Ted Van Vliet
Cc: Stephanie Wai; Fernanda Patza
Subject: [External Sender] RE: Re: 335 Yonge Street - Variance Application (24-244987)
Attachments: Sign Variance Appeal Application - 335 Yonge Street - 24-244987.pdf; Decision Notice - 335 Yonge Street - 24-244987.pdf

Importance: High

Good morning Ted

I am attaching the completed and signed Sign Variance Appeal form and the Original Decision Notice made on October 1, 2025. Please note that the decision posted on the City of Toronto website has a few factual errors.

Please send along the payment information.

Given the potential negative impact of this decision on Yonge Street (current and future neighbouring property owners, neighbouring tenants, pedestrians, consumers, public realm etc.) for generations to come, it will be difficult to boil down decades of relevant information about the development of the “premises” and “surrounding area” into five minute presentations. But we will figure it out.

Plus in order for the committee to fully appreciate the implications and all the nuances of this decision they need to review many relevant documents about the “premises” and “surrounding area” prior to the meeting and the “premises” and “surrounding area” should ideally be visited as this is the only way of truly understanding the situation as we do through our 58 years of “hands on” development and ownership of the 103 year old world class Thornton – Smith building.

My question is, will the City of Toronto be providing us and the committee all relevant history and documents pertaining to the “premises” and “surrounding area” that was reviewed prior to the initial approval of this Signage Master Plan on October 1, 2025?

Plus it would be helpful for us and the committee to have documentation and details pertaining to any legal action by the City of Toronto with respect to the “premises” being taken against the owners and/or tenants concerning the Order to Comply dated February 6, 2024 as this is clearly relevant to the Signage Master Plan per Municipal Code Chapter 694.

Thanks very much!

Ken

J. Ken Rutherford CPA, CA
President, The Thornton-Smith Corporation

Cell (647) 298-4950

This email, including any attachments, may contain confidential and/or privileged information for the intended recipient(s) only and the sender does not waive any related legal rights or privilege. Any use or disclosure of the information by an unintended recipient is unauthorized and prohibited. If you have received this email in error, please delete the entire message, including attachments if any, and inform the sender by return email

From: Ted Van Vliet
Sent: October 15, 2025 10:00 AM
To: J Ken Rutherford
Cc: Stephanie Wai ; Fernanda Patza
Subject: RE: Re: 335 Yonge Street - Variance Application (24-244987)

Hi Ken,

With respect to your questions:

1. The appeal fee is \$849.04
2. Yes, you can make submissions to the committee (through the Clerk) about five days before the meeting; you will also be given time at the committee to present your evidence – its normally five minutes per presentations, so if there are others joining you in this, you may want to break apart the evidence into a series of 5 minute (+/-) presentations to the committee.

I hope this is helpful,

Ted

From: J Ken Rutherford <jkenrutherford@gmail.com>
Sent: October 15, 2025 9:53 AM
To: Ted Van Vliet <Ted.VanVliet@toronto.ca>
Cc: Stephanie Wai <Stephanie.Wai@toronto.ca>; Fernanda Patza <Fernanda.Patza@toronto.ca>
Subject: [External Sender] Re: 335 Yonge Street - Variance Application (24-244987)

Ted

I had reviewed the Sign Variance Appeal form and have 2 questions.

1. What is the fee for the appeal?
2. We will have a great deal of material to support the reasons/justification for the appeal that will take a while to put together. Will we have an opportunity to submit a detailed presentation along with all supporting material to the committee prior to the public hearing?

Thanks,

Ken

J. Ken Rutherford CPA, CA
President, The Thornton-Smith Corporation
Cell [\(647\) 298-4950](tel:6472984950)

Be Inspired / Be Inspiring

On Oct 15, 2025, at 9:44 AM, J Ken Rutherford <jkenrutherford@gmail.com> wrote:

Thanks very much Ted!

I will review the form and reach out if I have any questions. I will submit it to you by the end of the week.

Much appreciated!

Ken

J. Ken Rutherford CPA, CA
President, The Thornton-Smith Corporation
Cell [\(647\) 298-4950](tel:6472984950)

Be Inspired / Be Inspiring

On Oct 15, 2025, at 8:50 AM, Ted Van Vliet <Ted.VanVliet@toronto.ca> wrote:

Good morning Mr. Rutherford,

Please find the sign variance appeal form here (it's the same for a signage master plan): <https://www.toronto.ca/wp-content/uploads/2023/09/95a9-14-0044-Sign-Variance-Appeal.pdf>

I can tell you that at this point, the appeal will not be heard until the new year; applications the November meeting of the Sign Variance Committee are on hold right now as we haven't had reliable mail service for the purpose of public notifications – this could change in the coming days though as they move to rotating strikes.

If you want to complete the form and return it me by email in the next five days that would be fine - I will consider the appeal to be received once I get the form and I can forward it to our intake team for processing and payment.

Thanks very much,

Ted

Ted Van Vliet
Project Director,
Business Transformation and
Citywide Priorities,
Toronto Building
416-392-4235
Ted.vanvliet@toronto.ca

From: J Ken Rutherford <jkenrutherford@gmail.com>
Sent: October 15, 2025 6:24 AM
To: Stephanie Wai <Stephanie.Wai@toronto.ca>
Cc: Ted Van Vliet <Ted.VanVliet@toronto.ca>
Subject: [External Sender] Fwd: 335 Yonge Street - Variance Application (24-244987)

Good morning Stephanie

I have reviewed the City of Toronto website and cannot find the process, forms and fee that must be completed to file an appeal for the decision on the Signage Master Plan variance at 335 Yonge Street.

I also reached out to 311 and they also did not have any knowledge or information on this process.

Since there are only 5 days left I would appreciate it if you could point me in the right direction today or put me in touch with someone who can.

Thanks very much!

Ken

J. Ken Rutherford CPA, CA
President, The Thornton-Smith Corporation
Cell [\(647\) 298-4950](tel:6472984950)

Be Inspired / Be Inspiring

Begin forwarded message:

From: jkenrutherford@gmail.com
Date: October 10, 2025 at 5:55:30 AM EDT
To: Kamal Gogna <Kamal.Gogna@toronto.ca>, Jason Thorne

<jason.thorne@toronto.ca>, Carleton Grant
<Carleton.Grant@toronto.ca>
Cc: Councillor Moise <Councillor_Moise@toronto.ca>,
Councillor Saxe <Councillor_Saxe@toronto.ca>,
PLarsen@downtownyonge.com, alan@saladking.com, Patrick
Tobin <Patrick.Tobin@toronto.ca>, Councillor Carroll
<Councillor_Carroll@toronto.ca>, Wendy Walberg
<Wendy.Walberg@toronto.ca>, Barbara Gray
<Barbara.Gray@toronto.ca>, Ted Van Vliet
<Ted.VanVliet@toronto.ca>, Stephanie Wai
<Stephanie.Wai@toronto.ca>, Paul Hopkins
<Paul.Hopkins@toronto.ca>
**Subject: RE: RE: 335 Yonge Street - Variance Application
(24-244987)**

Mr Gogna

While we appreciate the fact that you responded to our emails dated September 7th, 16th and October 7th, we are shocked by the City of Toronto's approval of the Signage Master Plan Variance application 24-244987 and the overall mismanagement of the issues at 335 Yonge Street by the City of Toronto.

You state in your email that the Toronto Municipal Code Chapter 694 only focusses on the signage elements and "These criteria do not include considerations related to economic competition, business models or market conditions." This is not totally correct as the type of the signs referred to in the application are by their very nature to compete with other businesses in the surrounding area and three of the criteria clearly refer to the impact of the Signage Master Plan variance on the "surrounding area".

After significant research and using our 58 years of experience of owning a world class heritage building across the street from 335 Yonge Street, we prepared and forwarded a detailed submission on September 7, 2025 (attached) in response to the above noted application. We followed this submission up with additional information about the surrounding area on September 16, 2025 after the decision was delayed.

Based on the detailed facts that were clearly articulated in these two submissions, three fundamental criteria included in the Toronto Municipal Code Chapter 694 are not met by this application and therefore it must be **DENIED**.

Based on your email below it appears that either the facts provided in our submissions were either misunderstood or that these three criteria were not factored into the decision by the City of Toronto. Given that we offered in our emails on September 7th and 16th to meet in order to discuss these facts, we are at a total loss as to how the City of Toronto's application review process would ignore the facts and allow an incorrect decision to be made.

I will summarize three of the eight requirements for approval of a Signage Master Plan variance application again, however, please refer to the detailed facts included in our submissions of September 7th and 16th.

1. Be compatible with the development of the premises and the surrounding area.

Under no circumstances is this application compatible with the development of the premises and the surrounding area.

Premises - For 121 years the premises at 335 Yonge Street was a heritage building until it was allowed to collapse in 2010. Per the documents provided with our submission on September 7, 2025 it will eventually be a multi - storey condominium with a retail podium if the City of Toronto approves it and starts to manage this property appropriately. Approving a Signage Master Plan of 25 signs for a premises that will ultimately be a multi – storey condominium is not compatible with the development of the premises.

Surrounding Area – As we stated in our submissions, the surrounding area is characterized by single and multi-tenanted buildings. The future development of the surrounding area will be similar and include a few larger condominium developments. A property with 25 temporary ugly structures and 25 exterior signs visible from Yonge Street is clearly not compatible with the surrounding area.

Conclusion – The proposed Signage Master Plan variance for a settlement of 20+ ugly temporary structures with no building permits for the past 7 years is clearly not compatible with either the development of the premises or the surrounding area and must be **DENIED.**

2. Support the Official Plan objectives for the subject premises and surrounding area.

I will not restate the Official Plan objectives included in Chapter 3.1.3 and Chapter 7 – 174 again as they were clearly articulated in our submission of September 7, 2025.

Conclusion - It is crystal clear that the proposed Signage Master Plan variance for a settlement of 20+ ugly temporary structures with no building permits for the past 7 years clearly does not support the Official Plan Objectives for the subject premises and the surrounding area and must be **DENIED**.

3. Not alter the character of the premises or surrounding area.

Based on our 58 years experience on Yonge Street, the collapse of the heritage building and the pop up of the illegal settlement of ugly temporary structures at 335 Yonge Street has clearly altered the character of the premises and the surrounding area and has contributed to one of the worst retail environment on Yonge Street between Dundas Street and Gerrard Street in over 100 years.

Premises - For 121 years the premises at 335 Yonge Street was a heritage building until it was allowed to collapse in 2010. Per the documents provided with our submission on September 7, 2025 it will eventually be a multi - storey condominium with a retail podium if the City of Toronto approves it and starts to manage this property appropriately. Approving a Signage Master Plan of 25 signs for a premises that will ultimately be a multi – storey condominium is not compatible with the character of the premises.

Surrounding Area – As we stated in our submissions, the surrounding area is characterized by single and multi-tenanted buildings. The future development of the surrounding area will be similar and include a few large condominium developments. A property with 25 temporary ugly structures and 25 exterior signs visible from Yonge Street clearly alters the surrounding area.

Conclusion – The proposed Signage Master Plan variance for a settlement of 20+ ugly structures with no building permits for the past 7 years clearly alters the character of the premises and the surrounding area and must be **DENIED**.

Secondly you state that the “structures at 335 Yonge Street – such as their permanence, safety and compliance – fall outside of the scope of the sign variance process.” As you can see in each of the three criteria from the Toronto Municipal Code Chapter 694 noted above, premises is clearly covered in each point so the “structures” are actually premises. Under no circumstances do they “fall outside of the scope of the sign variance process”. How can you have a Signage Master Plan for first party retail signs without a legal premises to put them on?

Thirdly you state that “City staff have visited the site and observed the presence of business licenses and public health inspection placards, indicating that some regulatory oversight is in place.” As noted in our submission of September 7, 2025 we clearly articulated that the City of Toronto issued Business Permits to food vendors operating from these temporary illegal structures contrary to Toronto Municipal Code Chapter 545, paragraph A (4). This paragraph clearly states that Businesses Licenses cannot be issued or renewed if “There are reasonable grounds to believe that the premises, equipment, or facilities of which the license is required have not complied, or will comply, with the provisions of this chapter **or any other law.**”

In fact, these points were raised numerous times in 2024 with Fiona Chapman, Director of Business Licensing and Regulatory Services, Carleton Grant and yourself. Ms. Chapman’s response on July 31, 2024 stated “because an Order has been issued by Toronto Buildings it is not grounds for refusal of a business licences”. As a layman, it seems to me that if any department in the City of Toronto issues an “Order to Comply” that there must be non-compliance with a law and therefore the Business Permit should not have been issued or renewed. In this case there is a much higher duty of care for the City of Toronto as these orders refer to safety issues. I refer this issue to the City Solicitor for Toronto to confirm that Orders to Comply are “laws” according to Toronto Municipal Code Chapter 545, paragraph A(4) and therefore all Business Licenses issued to businesses operating from 335 Yonge Street must be revoked.

We are extremely concerned about the lack of oversight by the City of Toronto on this property. On October 18, 2018 an Order to Comply (attached) was issued to the owners of 335 Yonge Street and its tenants. On December 23, 2021 a second Order to Comply (attached) was issued to the owners of 335 Yonge Street and its tenants. Both of these orders were woefully incomplete and were never followed up. After a series of meetings with you and your staff a more comprehensive investigation of 335 Yonge Street was completed by the City of Toronto in early 2024. This investigation resulted in a third Order to Comply being issued on February 6, 2024 to the owners of 335 Yonge Street and its tenants that ultimately lead to the application for a Signage Master Plan variance amongst other regulatory requirements. As you can see there has been ample time over the past 7+ years for the City of Toronto deal with this issue in accordance with all applicable chapters of the Toronto Municipal Code in a expedient and professional manner.

We purposely included the leaders of all relevant departments on our email chain because the case at 335 Yonge Street clearly demonstrates that critical health, safety and economic issues “fall through the cracks” in the City of Toronto because departments operate and make decisions in silos. This could not be clearer on Yonge Street between Dundas Street and Gerrard Streets. As the owner of a world class building for the past 58 years we are facing one of the worst retail, consumer experience, health and safety and economic consequences for our shareholders and tenants in decades which is consistent with many other property owners and their tenants on this part of Yonge Street. As you know 335 Yonge Street is not an isolated issue as we have been trying to resolve other serious issues with your department, the City of Toronto and its agencies that have been going on for many years.

Over the past 6 decades our family has invested heavily in the Yonge Street neighbourhood to provide a world class experience on Yonge Street. For instance, in partnership with Sankofa Square we created and launched Winter Glow in 2023, an annual holiday experience that last year attracted 600,000 visits. **We believe that this is the largest event ever held on the square since its inception in 2002.** In addition to co-creating Winter Glow, we also provided a significant amount of funding to the event over the past two years to help support the community and the City of Toronto.

We also participated in Doors Open Toronto in 2025, attracting 1,900 visitors who loved the Thornton – Smith building’s history

and the initiatives we have launched to “reimagine Yonge Street” for generations to come.

But unfortunately we cannot do it all on our own and the types of retailers that we hosted in the building for over 100 years are no longer interested in being on Yonge Street between Dundas Street and Gerrard Street. Recently we have been told many times by potential tenants that their brand would be damaged as a result of the issues on this stretch of the street, including the illegal settlement at 335 Yonge Street.

But what is most concerning is that we have presented the current situation on Yonge Street to many members of the City of Toronto leadership team, related agencies and other stakeholders over the past 3 years and there is no interest in supporting our initiatives to improve the street. Given that FIFA is coming to Toronto in 2026 we thought that the leadership team would be supporting our initiatives to start the clean up of Yonge Street, the historic heart of Toronto.

So as a small business and property owner we now must pay a fee of \$894.04 and invest our precious time to have the Signage Master Plan variance decision reviewed and hopefully overturned by an independent panel as it clearly does not meet the criteria outlined in Toronto Municipal Code Chapter 694 and is a detriment to the historic main street of Toronto. This is the level of service and support that we receive from the City of Toronto for the hundreds of thousands of property taxes we pay annually.

This is just another example of the City of Toronto prejudicing our ability to operate a world class building on Yonge Street.

Ken Rutherford

J. Ken Rutherford CPA, CA
President, Toronto Camera Centres Limited
Cell (647) 298-4950

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From: Kamal Gogna <Kamal.Gogna@toronto.ca>
Sent: October 7, 2025 4:17 PM
To: 'jkenrutherford@gmail.com' <jkenrutherford@gmail.com>; Jason Thorne <Jason.Thorne@toronto.ca>; Carleton Grant <Carleton.Grant@toronto.ca>
Cc: Councillor Moise <Councillor_Moise@toronto.ca>; Councillor Saxe <Councillor_Saxe@toronto.ca>; 'plarsen@downtownyonge.com' <plarsen@downtownyonge.com>; 'alan@saladking.com' <alan@saladking.com>; Patrick Tobin <Patrick.Tobin@toronto.ca>; Councillor Carroll <Councillor_Carroll@toronto.ca>; Wendy Walberg <Wendy.Walberg@toronto.ca>; Barbara Gray <Barbara.Gray@toronto.ca>; Ted Van Vliet <Ted.VanVliet@toronto.ca>; Stephanie Wai <Stephanie.Wai@toronto.ca>; Paul Hopkins <Paul.Hopkins@toronto.ca>
Subject: RE: RE: 335 Yonge Street - Variance Application (24-244987)

Good afternoon Mr. Rutherford,

Thank you for the reminder and I am sorry for the delayed response. First of all, I want to take this opportunity to thank you for taking the time to share your concerns regarding the Signage Master Plan application for 335 Yonge Street. We appreciate the feedback from you and other community stakeholders, and we recognize the importance of maintaining the character, safety, and vitality of Toronto's downtown core.

The City approved the Signage Master Plan application for 335 Yonge Street on October 1. Your comments and concerns were reviewed and considered as part of this decision.

We understand that many of the objections you raised relate to broader issues surrounding the site, including the nature of the temporary structures, business operations, and their impact on neighbouring institutions and businesses. These concerns are valid and have been noted.

However, we would like to clarify the scope and limitations of the current application and the City's role in reviewing it:

1. The application under review pertains solely to a signage master plan. Approval of this plan does not constitute approval of individual signs, nor does it authorize any existing or proposed structures on the

site. All signs will still require sign permits and building permits.

2. The City's analysis is focused specifically on signage elements, as required by the eight criteria outlined in Chapter 694 of the Sign By-law. These criteria do not include considerations related to economic competition, business models, or market conditions.
3. Concerns regarding the structures at 335 Yonge Street—such as their permanence, safety, and compliance—fall outside the scope of the sign variance process. That said, we are committed to working with the appropriate City divisions to ensure these matters are addressed through the proper authorities.
4. We can also advise that City staff have visited the site and observed the presence of business licences and public health inspection placards, indicating that some regulatory oversight is in place.

We want to emphasize that the approval of this signage master plan is simply a step toward the approval of individual signs. It does not override the requirement for full compliance with all other applicable laws and regulations governing the site and buildings, including the City's Sign By-law and the Ontario Building Code. It should also be noted that it is common for signage master plans and sign variances to be reviewed and approved independently of building permits or other approvals.

Best Regards,

Kamal Gogna, P.Eng
Interim Executive Director and Chief Building Official
Toronto Building
(416) 392-7523
Kamal.gogna@toronto.ca

From: jkenrutherford@gmail.com
<jkenrutherford@gmail.com>
Sent: October 7, 2025 2:02 PM
To: Kamal Gogna <Kamal.Gogna@toronto.ca>; Jason Thorne <Jason.Thorne@toronto.ca>; Carleton Grant <Carleton.Grant@toronto.ca>
Cc: Councillor Moise <Councillor_Moise@toronto.ca>; Councillor Saxe <Councillor_Saxe@toronto.ca>; plarsen@downtownyonge.com; alan@saladking.com; Patrick Tobin <Patrick.Tobin@toronto.ca>; Councillor Carroll <Councillor_Carroll@toronto.ca>; Wendy Walberg

<Wendy.Walberg@toronto.ca>; Barbara Gray

<Barbara.Gray@toronto.ca>

Subject: [External Sender] RE: RE: 335 Yonge Street - Variance Application (24-244987)

Mr. Gogna, Mr. Thorne and Mr. Grant

I am following up on your email below as I have not received your promised response to address the serious longstanding issues detailed in my emails to you dated September 7, 2025 and September 16, 2025.

On October 1, 2025 I received the attached email from Nikoo

J. Ken Rutherford CPA, CA
President, The Thornton-Smith Corporation
Cell (647) 298-4950

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From: Paul Hopkins <Paul.Hopkins@toronto.ca> **On Behalf Of** Kamal Gogna

Sent: September 17, 2025 9:19 AM

To: jkenrutherford@gmail.com; Jason Thorne <Jason.Thorne@toronto.ca>; Carleton Grant <Carleton.Grant@toronto.ca>

Cc: Councillor Moise <Councillor_Moise@toronto.ca>; Councillor Saxe <Councillor_Saxe@toronto.ca>; plarsen@downtownyonge.com; alan@saladking.com; Patrick Tobin <Patrick.Tobin@toronto.ca>

Subject: RE: RE: 335 Yonge Street - Variance Application (24-244987)

Good morning Mr. Rutherford,

On behalf of Kamal Gogna, Interim Chief Building Official and Executive Director, Toronto Building, thank you for your emails and patience with this reply. This email is to confirm receipt and to advise a response will be forthcoming shortly.

Thank you again Mr. Rutherford.

Kind regards,

Paul Hopkins on behalf of Kamal Gogna

Paul Hopkins
Administrative Assistant
Chief Building Official's Office
Development & Growth Services
City of Toronto

From: jkenrutherford@gmail.com
<jkenrutherford@gmail.com>
Sent: September 16, 2025 7:28 AM
To: Kamal Gogna <Kamal.Gogna@toronto.ca>; Jason Thorne
<Jason.Thorne@toronto.ca>; Carleton Grant
<Carleton.Grant@toronto.ca>
Cc: Councillor Moise <Councillor_Moise@toronto.ca>;
Councillor Saxe <Councillor_Saxe@toronto.ca>; 'Pauline
Larsen' <plarsen@downtownyonge.com>; Alan Liu
<alan@saladking.com>; Patrick Tobin
<Patrick.Tobin@toronto.ca>
Subject: [External Sender] RE: 335 Yonge Street - Variance
Application (24-244987)
Importance: High

Mr. Gogna, Mr. Thorne and Mr. Grant,

Further to the email below and the attachments sent on September 7, 2025 I would appreciate receiving a copy of the "Chief Building Official's Decision".

With this email I have also attached a letter dated September 11, 2025 from Alan Liu, the owner of Salad King which has been located on the second floor of the Thornton – Smith building for the past 15 years. Prior to this location, the family business was located in the Empress Hotel building at 335 Yonge Street for 20 years, until the wall collapsed on April 16, 2010.

Alan's parents, Ernest and Linda, had a vision of building a high quality quick service restaurant that at its peak was serving over 325,000 meals to TMU students and others in the Yonge street neighbourhood. The family has always been huge supporters of Toronto contributing to charitable causes such as Second Harvest and Covenant House, while always

supporting TMU and its students. During COVID, Alan decided to keep Salad King open every day for takeout and deliveries in order to provide delicious meals to the “front line” worker in the local hospitals, EMS, TPS and TFS as they supported Toronto through a very difficult period.

But since the start of COVID in 2020, Salad King’s business has declined sharply to less than 50% of its pre – pandemic customer and sales volume. This is a result of a number of factors including a neighbouring property to the north at 346 Yonge Street being boarded up with rough plywood for the past 4 years and the proliferation of quick service restaurants on Yonge Street, including the 20+ food vendors operating from illegal temporary structures at 335 Yonge Street. It is not only the quantity of quick service food vendors that is the problem, but the fact that most are operating at much lower cost structures because the City of Toronto has given them unfair advantages.

Salad King’s business is down \$2.7 million annually from it’s peak many years ago and now requires rent reductions and other financing from its landlord to remain in business. This is not the ending that one would expect for a 35 year family business on Yonge Street, which is not only the historic heart of Toronto but the street that was built by entrepreneurs like, Ernest, Linda and Alan Liu.

I am looking forward to our in depth discussion to review the items noted in my email dated September 7, 2025 below.

Thanks,

Ken

J. Ken Rutherford CPA, CA
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From: jkenrutherford@gmail.com
<jkenrutherford@gmail.com>
Sent: September 7, 2025 1:33 PM
To: Kamal Gogna <Kamal.Gogna@toronto.ca>; Jason Thorne
<jason.thorne@toronto.ca>; Carleton Grant
<Carleton.Grant@toronto.ca>
Cc: Councillor Moise <councillor_moise@toronto.ca>;
Councillor Dianne Saxe <Councillor_Saxe@toronto.ca>;
Councillor Shelly Carroll <councillor_carroll@toronto.ca>;
Wendy E. Walberg <wwalberg@toronto.ca>; Barbara Gray
<Barbara.Gray@toronto.ca>; Patrick Tobin
<Patrick.Tobin@toronto.ca>; Pauline Larsen
<plarsen@downtownyonge.com>
Subject: 335 Yonge Street - Variance Application (24-244987)
Importance: High

Mr. Gogna, Mr. Thorne and Mr. Grant,

I have attached a letter in response to a Variance Application at 335 Yonge Street.

Over the past few years we have had numerous discussions about this property with employees of the City of Toronto and I am hoping that you will take the time to review the letter, Enclosures and References in detail before making any decisions on the variances requested.

Our goal is to support a stronger Yonge Street for generations to come, while providing a safe and engaging experience for all those who live, work and/or visit the neighbourhood while also allowing all property and businesses owners to thrive.

In addition to the details included in the attached letter, I would also like to understand the following:

1. Why has it taken the City of Toronto years to take action with respect to the settlement of temporary structures at 335 Yonge Street constructed without building permits?
2. Why has the City of Toronto issued Business Permits to food vendors operating from these temporary structures contrary to Toronto Municipal Code Chapter 545, paragraph A (4) which states that Business Licenses cannot be issued or renewed if “There are reasonable grounds to believe that the premises, equipment, or facilities of which the license is required have not complied, or will not comply, with the provisions of this chapter or **any other law.**”?

3. Why is the City of Toronto considering this application on temporary structures and not expediently negotiating a development proposal that fits with the Official Plan and all other policies, plans, guidelines, reports etc. that have been developed over decades for Yonge Street between Dundas Street and Gerrard Street?
4. Why is the City of Toronto prejudicing the rights of other taxpayers on Yonge Street by creating an unfair “playing field”, including offering some small businesses on Yonge Street a 15% reduction in property taxes while others are excluded because of a prejudicial definition?

We should all have an opportunity to be treated fairly and to be proud of where we live, work and visit in Toronto.

Please feel free to reach out if you have any questions or would like to discuss the contents of the letter or this email in more detail.

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NOTICE OF APPLICATION FIRST PARTY SIGN VARIANCE

Location: 335 Yonge Street (24-244987)

You are receiving this notice because your property/residence is within 120 metres of the property where the proposed sign is to be erected. We value the opinion of area residents and interested parties. Please contact the Sign By-law Unit to share your views and/or for more information. Your opinion counts!

For more information:



Phone:
416-392-8000



Website:
www.toronto.ca/signs



Email:
signbylawunit@toronto.ca

Please reference the address and file number, so we can better assist you.

WHAT IT'S ABOUT – THE PROPOSAL:



Above photos are existing condition.

In conjunction with the existing food market, this proposal aims to enhance the property's appearance by removing all existing signage—both interior- and exterior-facing—and replacing them in compliance with the Sign By-law regulations

*****WORLD FOOD MARKET*****

SUMMARY OF VARIANCE(S):

- "This proposal is seeking multiple variances. For more information or specific details, please feel free to contact us."



Decision date: September 16, 2025

Last day to submit comments: September 11, 2025

PLEASE TURN THE PAGE FOR IMPORTANT INFORMATION



Mailed on: August 8, 2025

THE CHIEF BUILDING OFFICIAL AND SIGN VARIANCE APPLICATIONS:

The role of the Chief Building Official is to make a fair and impartial decision regarding Sign Variance Applications for proposals which deviate from the prescribed regulations of the Sign By-law (Chapter 694, Signs, General), of the City of Toronto Municipal Code. The Chief Building Official considers the submission material provided by the applicant and interested parties, in favour or against the proposal. The Chief Building Official then makes a decision on the application, weighing the submissions filed with respect to the application. The Chief Building Official may grant a variance where it has been established that the proposed sign:

- Belongs to a sign class permitted in the sign district where the premises is located;
- Is not a third party sign;
- Is compatible with the development of the premises and surrounding area;
- Supports the Official Plan objectives for the subject premises and surrounding area;
- Will not adversely affect adjacent premises;
- Will not adversely affect public safety, including traffic and pedestrian safety;
- Is not a sign expressly prohibited by §694-15B of Chapter 694;
- Does not alter the character of the premises or surrounding area; and
- Is, in the opinion of the Chief Building Official, not contrary to the public interest.

MAKING YOUR VIEWS KNOWN:

This notice has been sent to you, as required by Article V of Chapter 694, Signs, General, of the City of Toronto Municipal Code, to ensure that you will have an opportunity to make your views known concerning this application. Please send your comments and any other documentation you believe is relevant by mail or e-mail prior to **September 11, 2025**, which is five days prior to the aforementioned decision date. If you do not express your views in writing, the Chief Building Official will make a decision (including recommending changes to the proposal) without providing you with any additional opportunities to provide comments with respect to this application.

RECEIVING A COPY OF THE CHIEF BUILDING OFFICIAL'S DECISION:

The Chief Building Official will make a decision regarding the proposal on the decision date. To receive a copy of the decision, please contact the Sign By-law Unit no later than the decision date, **September 16, 2025**.

NOTICE TO CORRESPONDENTS:

The City of Toronto Act, 2006 and the City of Toronto Municipal Code authorize the City of Toronto to collect any personal information in your communication or presentation to City Council or its committees. The City collects this information to enable it to make informed decisions on the relevant issue(s). If you are submitting letters, faxes, e-mails, presentations or other communications to the City, you should be aware that your name and the fact that you communicated with the City will become part of the public record and will appear on the City's website. The City will also make your communication and any personal information in it – such as your postal address, telephone number or e-mail address – available to the public, unless you expressly request the City to remove it. If you want to learn more about why and how the City collects your information, write to the Sign By-Law Unit at the address described below or by calling 416-392-8000.

APPEALING THE CHIEF BUILDING OFFICIAL'S DECISION:

Any person who receives notice of the Chief Building Official's decision may appeal the decision of the Chief Building Official to the Sign Variance Committee, by filing the notice of appeal in the form and manner approved by the Chief Building Official and paying the non-refundable fee prescribed in Chapter 441, Fees and Charges, within 20 days of service of the notice of decision. Appeal forms and other information are available at the address described below.

Sign By-Law Unit: Toronto City Hall, Ground Floor, East Tower, 100 Queen Street West, Toronto, ON, M5H 2N2