

September 30, 2021

By E-Mail Only to coa.ny@toronto.ca and Sabrina.Salatino@toronto.ca

Sabrina Salatino
Manager and Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District
100 Queen Street West
Toronto, ON M5H 2N2

Dear Ms. Salatino:

**Re: Notice of Appeal pursuant to subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13 (the “Act”)
2 Regal Rd, City of Toronto (the “Subject Lands”)
Committee of Adjustment File No. A0481/21TEY**

We are counsel to GF 2 Regal Road Ltd., the registered owner of the Subject Lands which are located in the City of Toronto (the “City”).

On March 24, 2021, our client, through its agent MHBC Planning Ltd., filed the Application with the Committee of Adjustment (the “Committee”) seeking minor variances to City Zoning By-law’s 569-2013 and 438-86 to permit the expansion and renovations of the existing eight-storey apartment building, which would result in 15 new residential dwelling units (the “Application”).

To create the new residential dwelling units, the Application proposes an additional residential storey above the existing seven-storey residential portion of the existing building and a “bump-out” on the south-east corner of the building. The requested variances are in relation to building height, minimum vehicular parking space, floor space index, and setbacks (collectively, the “Variances”). All the Variances, except for the parking space variances, generally maintain the existing variances for the existing/current apartment building and thus should be considered technical.

Notwithstanding no opposition from City staff, the Committee heard and refused the Application for the Variances on September 15, 2021 (the “Decision”).

This letter, together with its enclosures, forms our client's appeal of the Decision to the Toronto Local Appeal Body (the "TLAB"). The reasons for the appeal include the following:

1. The Application is consistent with the *Provincial Policy Statement* and conforms to the *Growth Plan*, by amongst other reasons, creating new residential rental units by expanding and restoring an existing building and thereby optimizing existing infrastructure and services within the City;
2. The Variances maintain the general intent and purpose of the City Official Plan. The Variances either maintain the existing variances or do not significantly alter the physical character of the existing apartment building;
3. The Variances satisfy the intent and purpose of the City Zoning By-law's. The Variances are technical in nature either by acknowledging the existing built form or seeking relief for the parking reduction;
4. The Variances are desirable for the appropriate development of the use of the land, which as noted is for the expansion of an existing rental apartment building;
5. The Variances are minor and will not result in any undue adverse impacts;
6. The Application will create 15 new residential rental units within the City which has a well documented shortfall, and is in need, of residential rental units and will do so without the loss or alteration of any pre-existing units;
7. The Application will assist in achieving the City Official Plan and provincial policy directives to provide a full range of housing and tenure options; and
8. Such other reasons as counsel may advise and the TLAB may permit.

Enclosed is a completed TLAB Notice of Appeal Form 1.

Due to the COVID-19 Emergency, we will contact Ms. Salatino subsequent to electronic filing of this Notice of Appeal, to obtain payment instructions and complete the requisite payment of the \$300.00 filing fee for this appeal.

We would appreciate receiving confirmation of receipt of this Appeal. Should you have any questions or if you require any additional information, please do not hesitate to contact me.

DAVIES HOWE LLP



Aaron I. Platt

Notice of Appeal Form 1

Questions or concerns about this form or process can be directed to the Toronto Local Appeal Body by telephone 416-392-4697 or by email at tlab@toronto.ca.

Information, including completed forms, disclosure documents and statements, you disclose to the Toronto Local Appeal Body (TLAB) in relation to a TLAB appeal is an adjudicative record that is a public record available to parties, participants and the general public. The legal authority to make the information public is section 1.0.1. of the Planning Act. As stated in Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, the provisions protecting individual privacy in Part 2 of that Act do not apply to any information collected in the TLAB's prescribed forms and associated filings for appeals.

Questions about this collection can be directed to the Manager of Tribunal Operations, Court Services, 40 Orchard View Boulevard, 2nd Floor, Suite 253, Toronto, Ontario M4R 1B9 or by telephone at 416-392-3261.

Part 1: Appeal Type: A separate Notice of Appeal and additional appeal fee is required for each Subject of Appeal.

Subject of Appeal (check only one)	Type of Appeal (check only the boxes related to your appeal)	Planning Act Reference
<input checked="" type="checkbox"/> Planning Act Section 45 (12)	<input checked="" type="checkbox"/> Appeal a decision on minor variance from the provisions of any bylaw passed under section 34 or 38.	45(1)
	<input type="checkbox"/> Appeal a decision on enlargement or extension of a building or structure that is legal non-conforming	45 (2) (a) (i)
	<input checked="" type="checkbox"/> Appeal a decision on enlargement or extension of a building or structure that is legal non-conforming for a purpose that is similar or more compatible to a permitted use	
	<input type="checkbox"/> Appeal the decision on a request to permit or refuse the use of land, building or structure that is legal non-conforming and that is similar to the purpose or more compatible to a permitted use	45 (2) (a) (ii)
	<input type="checkbox"/> Appeal the decision on a request to permit or refuse a use of land, building or structure that is generally defined for any purpose that conforms with the uses permitted in the bylaw	45(2)(b)
<input type="checkbox"/> Planning Act Section 53	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Appeal for failure to make a decision on the application within 90 days	53(14)

Notice of Appeal Form 1

Part 2: Location Information

Address and/or legal description of property subject to the appeal		
Street Number	Street Name	Postal Code
2	Regal Rd	M6H 2J4

Part 3: Estimated Hearing Time

Number of days you anticipate needed for the hearing
2 days

Part 4: Appellant Information

First Name	Last Name	
<input type="checkbox"/> Check this box if First Name and Last Name do not apply to you because you have either a registered Birth Certificate or Change of Name Certificate bearing a Single Name. Provide your name below.		
Single Name		
Corporation Name or Association Name (Association must be incorporated), if applicable		
GF 2 Regal Road Ltd.		
Position Title (if applicable)	Email	
Street Number	Street Name	Suite/Unit Number
3280	Bloor Street West, Centre Tower	1400
City/Town	Province	Postal Code
Toronto	Ontario	M8X 2X3
Telephone Number	Mobile Number	
416-234-8444		
Date (yyyy-mm-dd)		
2021-09-30		
NOTE: You must notify the Toronto Local Appeal Body for each appeal filed of any change of email, address or telephone number in writing via email to tlab@toronto.ca and include your TLAB Case File Number(s) in the subject line of the email after the Case File Number(s) has been assigned.		

Notice of Appeal Form 1

Part 5: Representative Information (if applicable)

I hereby authorize the named lawyer, law firm, corporation and/or individual(s) to represent me

First Name Aaron	Last Name Platt
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Check this box if First Name and Last Name do not apply to you because you have either a registered Birth Certificate or Change of Name Certificate bearing a Single Name. Provide your name below.

Single Name

Corporation Name or Association Name (Association must be incorporated), if applicable
Davies Howe LLP

Position Title (if applicable) Lawyer	Email aaronp@davieshowe.com
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Street Number 425	Street Name Adelaide Street West	Suite/Unit Number Tenth Floor
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City/Town Toronto	Province Ontario	Postal Code M5V 3C1
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Telephone Number 416-263-4500	Mobile Number
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Please note: If you are representing the appellant and are not a solicitor, please confirm that you have authority as required by the TLAB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box and signing below.

I certify that I have authority to act as a representative with respect to this appeal on behalf of the appellant and I understand that I may be asked to produce this authorization at any time.

Representative Signature 	Date (yyyy-mm-dd) 2021-09-30
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Part 6: Accessibility

We are committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at tribunalaccess@toronto.ca.

Notice of Appeal Form 1

Part 7: Appeal Specific Information

Provide specific information about what you are appealing using numbered paragraphs and include the Committee of Adjustment File Number(s).

Provide the nature of your appeal and the reasons and grounds for your appeal. Be specific and provide only land-use planning reasons. Include the specific provisions, sections and/or policies of the Official Plan or By-law(s) which are the subject of your appeal as applicable.

Please see attached Notice of Appeal Covering Letter.

Notice of Appeal Form 1

Part 7: Appeal Specific Information (Continued)

Yes No For this property are there other appeals existing or to be filed with the City of Toronto?

Yes No For this property are there other approvals applied for under the Planning Act or any other Act?

If you answered 'Yes' to any of the above, please provide Committee of Adjustment and City File Numbers, and the TLAB Case File Number(s), if any.

NOTE: Only decisions of the Committee of Adjustment under s.45 (12), s. 53 of the Planning Act are appealable to the Toronto Local Appeal Body.

NOTE: If there are any related appeals filed with the Local Planning Appeal Tribunal (LPAT), you must complete the LPAT prescribed Appellant Form (A1 Appeal Form) within any applicable appeal limitation period.

Part 8: Other Applicable Information

Please see attached Notice of Appeal Covering Letter.

Part 9: Required Fee

Total Fee Submitted (\$)

300.00

Payment Date (yyyy-mm-dd)

2021-09-30