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July 3, 2018

File No. 133087

BY EMAIL

Toronto and East York Community Council  
2nd floor, West Tower, City Hall  
100 Queen St. W.  
Toronto, ON M5H 2N2

Dear Members of Community Council

**Re:       Agenda Item TE34.29  
          149-157 Bathurst Street- Zoning Amendment and Rental Housing  
          Demolition Applications- Request for Directions Report**

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Please be advised that Aird and Berlis LLP represents Allied Properties REIT which owns lands immediately in the vicinity of the above noted development application including properties at 159 and 161 Bathurst Street (immediately to the north of the subject property) and properties 591, 589 and 579 Richmond Street West (immediately to the east of the subject property).

Our client Allied Properties REIT was granted party status to the Ontario Municipal Board hearing and in respect of this matter which commenced following an appeal by the applicant, owner from Council's failure to make a decision on the application. Notwithstanding that our client is a party to those proceedings, and has asked staff for an update on the status of this matter, we only recently learned of the proposed settlement which has been reached with the City.

We have now had an opportunity to briefly review the June 25, 2018 staff report and to consider the implications of the revised scheme on our client's property. The purpose of this correspondence is to advise Toronto and East York Community Council that our client remains strongly opposed to the proposed redevelopment despite the revisions which have been made as the revised proposal seeks to off load necessary setbacks onto our client's lands which in turn has the effect of sterilizing large portions of these lands from development.

First, however, we note there are a number of errors/inconsistencies in the staff report which made its review difficult and which must be clarified for the purposes of understanding our client's concerns. The staff report, at page 9, provides a description of the uses surrounding the subject property identifies 579 Richmond Street West as "a two storey house form building" which is listed on the City's Heritage Register. In fact, the two storey house form building is located at 591-589 Richmond Street West, immediately adjacent to the public lane and to the development proposal. That property is not included in the City's Heritage Register. This is significant as the City's understanding/description of the site would suggest is could not be part of a development parcel.

To the east of 591-589 Richmond Street West is 579 Richmond Street West which is improved by a five storey commercial building. This property is included in the City's Heritage Inventory but is the type and size of building to which additions may be considered in accordance with the

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HCD Plan adopted by the City and now under appeal for the area. Immediately to the east of that property is 555 Richmond Street West which our client also owns and which is improved by a 12 storey building. Our client's land holdings also extend into the rear and mid areas of the block (as shown on the attached property identification map) and represent a significant consolidated land holding which could accommodate substantial development while still addressing the City's recent policy direction as found in OPA 352 and its implementing by-laws as well as in TO Core.

Our client's primary concern relates to the deficient setback proposed for the development as measured from the public lane to the rear. The proposed setback according to the staff report is 5.5 meters from the center line of the lane (for floors 2 to 15). However, a review of the plans indicates that the floors contain balconies which extend on some floors as much as 3.5m back into the 5.5m setback, resulting in a mere 2m separation. As a result, the effect will be that a tall building cannot be accommodated on our client's consolidated site unless the majority of the 25m separation called for between tall buildings is provided on our client's site. This is directly contrary to the City's recently adopted instruments.

In our respectful submission, no justification has been provided by the City for deviating from its own newly adopted official plan amendment and zoning by laws.

We note that our client's properties are located within an area identified in TO Core as Mixed Use Areas 2 – Intermediate and a tall building form could be accommodated on the consolidated site while responding positively to the direction given in the City's new policy instruments. In our client's view it is premature and inappropriate for the City to approve the development of a tower on such a small site fronting onto Bathurst Street which will necessarily compromise the comprehensive redevelopment of a large assembled property in the future.

For those reasons, our client remains opposed to this application and request that Toronto East York Community Council refuse the staff report or, in the alternative, to send this matter back to staff for further consideration with respect to an appropriate setback from the public lane.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPKC/ma

Encl.

C: Client

AIRD BERLIS





properties owned by Allied Properties REIT



the subject site at 149-157 Bathurst Street