

Reply to: **Christopher J. Henderson, M.P.A., LL.B.**

Senior Lawyer, Litigation Section

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File No. L9000-6400=700=2017=206364978

July 30, 2019

Ms. Eileen Costello
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VIA FAX: 416 - 863 - 1515
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Ms. Valerie Eggertson
Secretary, Garment District Neighbourhood Association

VIA EMAIL: gdnatoronto@gmail.com

Dear Mss. Costello & Eggertson:

Re: **Toronto (City) v. 457 Richmond St. W. Ltd. & GDNA**
Court File No:TBD

Enclosed is the City's Notice of Motion for Leave to Appeal, which is served pursuant to s. 37 of the *Local Planning Appeal Tribunal Act* and Rule 61.03(1) of the *Rules of Civil Procedure* from the decision of Member Rossi dated July 15, 2019 in the above-mentioned matter (the "Decision").

The City is also considering requesting a review of the Decision pursuant to Rule 25 of the *Local Planning Appeal Tribunal Rules of Practice and Procedure*.

It is the position of the City that it has a right both to seek a request for review, and also, to bring a motion seeking leave to appeal. Where, such as here, such parallel proceedings are authorized, the City submits that as a principle of administrative law, the Court will facilitate the Tribunal proceedings fully running their course before the City is required to perfect its motion for leave to appeal, and therefore, should the City advance a request for review, the motion for leave to appeal should be "held down." In this regard, the City relies on the decision of *Westin Hotel v. MPAC*, [2003] O.J. No. 2748.

Should you disagree and intend to require the City to perfect its motion for leave to appeal in strict compliance with the *Rules*, I would ask that you communicate that position forthwith, in which case, the City may either bring the appropriate motion to extend time, or take steps to perfect its motion for leave.

Sincerely,



Christopher J. Henderson

Lawyer

/cjh

c: Stan Floras, Counsel, LPAT, VIA FAX: (416) 326 - 5370