



Toronto and East York Community Council
City Clerk via email

tycc@toronto.ca

April 2, 2024

Re: **TE:12.4 – 350 Bloor Street East – Official Plan and Zoning By-law Amendment Application**

Bloor Street East Neighbourhood Association (BENA) is an incorporated non-profit organization whose footprint encompasses the subject site. BENA's membership includes condominium corporations, purpose built rental buildings, businesses, churches, and individuals. For disclosure purposes, the subject site is owned by Rogers Communications Inc which is a valued member of BENA and remains within our footprint with its properties on the south side of Bloor Street East and on Mount Pleasant Road.

This submission (Appendix 1) covers four main areas:

- Outline of the engagement BENA has had with its residents, City Staff, Councillor Saxe's office and the Applicant team lead by Osmington Gerofsky Development Corp. A thanks to all of them for allowing our engagement (much of this information is on BENA's website: <https://blooreast.org/news/>)
- Request for ongoing collaboration as the development goes through its next phases where appropriate and affects neighbouring properties as well as all who traverse Bloor Street East
- On the larger context, that Councillors be aware of and work towards not delaying the reconstruction of Bloor Street East from Parliament to approximately Church Street scheduled for 2026. This project is to include dedicated bike lanes to replace the temporary installation and should co-ordinate with this project rather than be delayed to after the project is completed some years down the line
- Require a dispute resolution process be built into the governing documents to provide an avenue for resolution of issues amongst the various legal entities created by this by-law where none exists today

In Conclusion BENA believes that our concerns have been heard with many of our issues being addressed in this re-submission to which the Staff Report recommends approval. We appreciate the collaborate approach taken by all and believe we have fulfilled our role as the "experts" of our own street and knowledge gained from other similar neighbourhood development projects.

Respectfully submitted.

Linda Brett, President, Bloor Street East Neighbourhood Association (BENA)

cc. Councillors Saxe, Ward 11 and Moise, Ward 13

Oren Tamir, Director Community Planning, Toronto and East York

MPP Bell, University/Rosedale

Bcc. BENA Operations Committee

Appendix 1

BENA Engagement

- September 2022 - In the context of providing input into the yet to be completed Secondary Plan for Bloor/Yorkville, conducted a walk of the Rosedale Valley Ravine with the previous Councillor Layton's representative; Community Planning and Transportation Staff; representatives from member associations from the Midtown Ravine Group to which BENA is a member. The walk ended with a tour of the subject site
- December 5 prior to the first Public Meeting (December 12, 2023) BENA held its own town hall to obtain resident feedback as well as provide information on expectation at the public meeting – approximately 40 residents were online
- At the December 12 public meeting BENA requested and obtained the agreement of the Applicant team to engage in further topic specific meetings
- Prior to further engagement BENA submitted to all Parties a document outlining our neighbourhood's concerns drawing upon the input we received as well as at the public meeting
- Further engagement by the Applicant and the City
 - Site visit by the Councillor's Rep, City Planning, the Applicant Team, City Transportation and BENA. The visit included viewing the site from various balconies of 360 Bloor St East
 - Councillor hosted Workshops on shadow impacts; sky views and access to sunlight; wind studies; as well as vehicle, bike and pedestrian access
 - The applicant voluntarily provided additional studies for shadows and wind above and beyond those required at the request of the City Planner
 - A final meeting was held by the applicant on construction management
- Councillor Saxe reached out for our input on the affordable housing component and our requests for community benefits
- On March 25, 2024 BENA held a town hall via Zoom (35 participating) for the following purpose:
 - Educating our residents on the current area context and BENA overall involvement
 - Provide an overview of BENA and 360 Bloor St E's input into the report you have before you
 - Provide information on where to become informed and how to submit thoughts to Community Council
 - Discuss what the next steps for the development, what is left to be done and where we hope BENA will be involved

Next Phases of the Development Process

We request and hope the Applicant and the City will engage with us on the next phases to provide input into the Construction Management Plan to mitigate the effects of the construction on the neighbouring buildings and most particularly 360 Bloor St East. We have worked with other developers such as Tridel to review and provide input into the communication plan and construction staging areas of the CMP. In fact, we were provided with and gave input into the CMPs on similar projects.

Reconstruction of Bloor St East

It is in the best interest of many of the Toronto and East York Council Members to have dedicated protected bike lanes from Parliament to effectively Church Street as more development comes on stream to the east of the Don Valley. We are requesting that you do your best effort to see that this development is not delayed by this project but rather the rebuilding of the section of Bloor Street East be co-ordinated with this project. This Bloor Street East reconstruction project has been delayed for various reasons since before 2016. Victor Ford and Associates, Landscape Architects had been retained for a comprehensive design and the first public meeting had been held in the fall of 2016.

Dispute Resolution

While we hope that all the entities that are created by this by-law, will live harmoniously together, that is not always the case. This by-law and the City's requirements create facilities and cost sharing agreements amongst various entities. These entities have different goals, different rules and legislation governing their uses and their residents.

We are therefore, requesting you to consider passing a **motion to build in a dispute resolution process into the governing documents**. These disputes can end up with the community associations, the City (MLS), Councillor's offices as well as MPPs. In many cases the only recourse is the courts. There has to be a better way. This idea was borne out of a meeting with MPP Bell who suggested that perhaps mediation was the answer thus this request. We also know from our experience with Condominiums the courts do not like dealing with nuisance complaints.

Below are two actual cases, both in Ward 13, one ended in court the other with MLS and the Councillor's office.

Case Study #1

- One building three separate Condominium Corporations (residential, professional and commercial) with cost sharing agreements
- Commercial unit did not pay its amounts under the agreements. For the other two entities to function they paid the non-paying unit's share
- Commercial unit went into receivership
- Disputes could not be resolved resulting in court proceedings ending with the court appointing an Administrator for the entire building

Case Study #2

- Condominium building with separately owned commercial on the ground floor
- Landlord for the ground floor leased premises to a gym that has free weights and conducted weights classes with the blaring of loud music
- Vibrations from the music coupled with the noise from the music and the dropping of free weights created unreasonable disruption to residential units above
- Approximately nine units of the condominium corporation were uninhabitable during these classes
- Condominium tried to negotiate with the landlord
- Landlord refused to add soundproofing or move the gym to another location
- The Condominium Authority Tribunal does not apply although one owner tried

- Individual condominium unit residents filed complaints through 311 and a case file was opened by the Councillor's Staff
- After almost a year, the City issued an order to the landlord to make changes to the gym
- Landlord rather than make the required changes moved the gym to another location that they own which does not affect any residential units

Other types of issues that may arise including such things as water leaks arising from one entity to another which does not affect the entity where the leak is located. In the Condominium world, noise and other nuisance issues are becoming increasingly common and are now heard and adjudicated by the Condominium Authority of Ontario. Recent cases involve noise emanating from the gyms which have inadequate noise baffling in locations that are close to and affect residential units. In this situation, if the unit affected is not in the Condominium, where is the dispute heard?

What has been created is more than one entity each with different goals and rules that govern. We need an umbrella process for the building encompassing all the legal entities.