

# City Hall fouls up Miller's condo fight

## Lawyers miss deadline in bid to stop controversial Queen Triangle project

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QUEEN'S PARK BUREAU

Red-faced city officials were forced to scramble yesterday when they discovered they'd missed a key deadline in Mayor David Miller's fight to stop a development in a west-end neighbourhood.

Miller has said the approved buildings will destroy a vital creative employment area in the Queen St. W. and Dovercourt Rd. area, known as the Queen West triangle.

But the city missed last Friday's deadline to ask the Ontario Municipal Board to reconsider its decision to approve numerous highrise condos in the neighbourhood known for artist studios and old warehouses.

"They missed the deadline? ... It's mind-blowing," said Councillor Adam Vaughan, when told about the city's mistake.

"It's just one more example of how badly the city is being planned," said Vaughan, (Ward 20, Trinity-Spadina), who has been calling for planning improvements.

When the *Toronto Star* called the city yesterday morning no one, from the mayor's office to the legal department, seemed aware there even was a deadline to meet.

In the afternoon, the city sent its late request to the board, claiming special circumstances because the lawyer on the case had been away having surgery and none of the other 18 lawyers in the department knew to file the papers.

Since the Ontario Municipal Board agreed to accept the city's late request, Councillor Adam Giambrone, who represents the area, suggested that no harm was done.

"It's kind of hard to get too angry at someone who has to have urgent surgery," Giambrone (Ward 18, Davenport) said.

When pressed as to why no one else in the city's large bureaucracy took over the file, he said: "It should not have happened ... city legal dropped the ball."

The lawyer on the case was Dawne Jubb, but it's her boss, the city's head solicitor Anna Kinastowski, who will be held to account internally.

Publicly, it's city council that bears the embarrassment and, once again, looks like it can't get its act together despite promises of becoming a more mature level of government.

Miller made this issue one of his two key items for last week's council agenda. After much debate, council voted to fight the OMB decision on three fronts: ask the board to review its decision, ask the province to intervene, and fight it in court.

Though it agreed to accept the city's late request, there's no guarantee the OMB will decide there are

sufficient grounds to review its decision to allow highrises – from eight to 19 storeys – in an area known for artist studios and old warehouses.

The city has started on the most expensive course of action, seeking leave to appeal to court. It filed those papers on time and lawyers are preparing the case.

But the city still hasn't sent a letter up the street to Municipal Affairs and Housing Minister John Gerretsen, asking him to issue a zoning order to stop the development.

"It's still being worked on," Giambrone said, adding that there wasn't a specific deadline for that.

Under the planning act, Gerretsen has the power to prohibit certain types of buildings or regulate the use of any land in Ontario through a ministerial zoning order. The area surrounding the proposed site of the Pickering airport, for example, has an order to prevent housing from being built too near the site.

These types of orders are rarely granted and can actually be appealed, by the developer, to the OMB, the province says.

That means even if Gerretsen does grant the city's request, Toronto may find itself right back where it started – at the OMB.

The lawyer for one of the developers in the Queen West triangle isn't worried the province will halt their plans.

"This is a project that fulfills all the major provincial policies including intensification, the provision of affordable housing and remediation and development of brownfield sites so we're fairly confident the minister will see this is a development that actually advances provincial goals," said David Bronskill, who represents Verdiroc Development Corp.

The developer expects to start the first phase of construction next year.

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