PG 2.5.88

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File No.: various

VIA EMAIL

Mayor Rob Ford and Members of Council
City of Toronto
Toronto City Hall
100 Queen St W
Toronto ON M5H 2N2

Attention: Ulli S. Watkiss, City Clerk (*clerk@toronto.ca*)

Attention: Merle MacDonald, Administrator, Planning & Growth Management Committee (*mmacdona@toronto.ca*)

Dear Mayor Ford and Members of Council,

RE: Repeal of Zoning By-law 1156-2010
Item PG2.5 - Amendments to Zoning By-law 1156-2010

Please be advised we are the solicitors for a number of appellants with respect to the City of Toronto's new harmonized zoning by-law, No. 1156-2010 ("the New Zoning By-law").

We have been monitoring the above-noted item and the recommendations of the Planning & Growth Management Committee to City Council with respect to this matter. In doing so, we have also reviewed the letter dated April 7th, 2011 from Christopher Tanzola at McCarthy Tétrault LLP, whereby he discusses the following two issues:

1. Can a by-law repealing the New Zoning By-law be itself appealed to the Ontario Municipal Board?

2. Is the New Zoning By-law necessary as an Official Plan conformity exercise?

Please be advised that we are in agreement with Mr. Tanzola's analyses and opinions with respect to these issues, namely:

1. A repealing by-law cannot be appealed to the Ontario Municipal Board. Further, Section 34 of the *Planning Act* is not applicable for a repealing by-law and therefore there is no requirement to hold a statutory public meeting before the adoption of such a repealing by-law;

2. The New Zoning By-law is not necessary as an Official Plan conformity exercise, since the *Planning Act* requirements set out in Section 26(9) have not been triggered, as of yet.

If you have any questions regarding the above, please do not hesitate to contact the undersigned at 416.863.4786.

Yours very truly,

Fraser Milner Casgrain LLP



Jason Park
JIP/ss

c.c. Councillor Peter Milczyn, Chair, Planning & Growth Management Committee
Chris Tanzola, McCarthy Tétrault LLP

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