

May 9, 2011

Barnet H. Kussner
T: 416-947-5079
bkussner@weirfoulds.com

VIA E-MAIL

File 99999.99902

Chairman and Members,
Planning and Growth Management Committee,
City of Toronto,
City Hall, 100 Queen Street West,
10th Floor, West Tower,
Toronto, Ontario, M5H 2N2

**Attention: Ms. Merle MacDonald, Committee Administrator
City Clerk's Department**

Dear Ms. MacDonald:

**Re: Planning and Growth Management Committee
Agenda Item PG4.1 – May 10, 2011
Statutory Public Meeting – Repeal of Zoning By-law 1156-2010**

We act as counsel for various clients identified in Schedule "A" attached (List of Appellants) (the "Appellants") regarding the above matter. All of the Appellants have filed their respective appeals against the City's Harmonized Comprehensive Harmonized Zoning By-law 1156-2010 (the "HCZBL"), which was originally enacted by City Council in August 2010 and has since been amended on successive occasions.

On April 13, 2011, City Council recommended that a special meeting of the Planning and Growth Management Committee (the "PGMC") be held under the provisions of the *Planning Act* to consider the PGMC's recommendation to repeal the HCZBL. Notice for the Public Meeting was issued thereafter on April 20, 2011.

This correspondence is further to our previous submissions in respect of the HCZBL, particularly the submissions to the PGMC of March 23, 2011 and to Council on April 11, 2011, as well as the Appellants' respective HCZBL appeals.

As stated in our previous submissions, numerous problems have been highlighted with the manner in which the HCZBL is structured. In particular, there are serious issues respecting the

protection afforded to existing rights (both recognition of zoning by-laws and minor variances); conformity with the City's Official Plan; failure to leave out of the HCZBL certain sites which meet the requirements of the transitional provisions; creation of numerous legal non-conforming scenarios; and the introduction of new and confusing regulations, which collectively represent significant challenges to the Appellants based on the HCZBL as enacted. The confusion has been further compounded by the enactment of a series of eight (8) new amendments to the HCZBL (Zoning By-laws 537-2011 to 544-2011, inclusive) in an unconsolidated fashion, thereby creating considerable uncertainty as to the purpose and effect of the amendments as they apply to specific properties.

While our clients continue to support a City initiative to bring to fruition a new City-wide comprehensive zoning by-law, it must be accomplished in full conformity with the Official Plan, and with full public participation and prompt disclosure of adequate information in order to enable a proper review.

In that regard, the Appellants support the repeal of the HZCBL, as amended, to enable an appropriate opportunity to remedy the many defects.

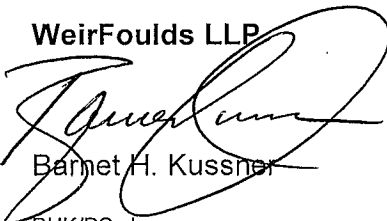
We ask that the Clerk kindly provide the undersigned with Notice of any subsequent considerations or decisions in respect of the HCZBL.

We trust that the PGMC will consider this correspondence together with all of the previous submission letters filed by WeirFoulds LLP in the course of its deliberations, and that it will support the PGMC's previous unanimous recommendation to repeal the HCZB in its entirety.

Thank you for your consideration of these submissions. We await the PGMC's recommendation to Council in due course.

Yours truly,

WeirFoulds LLP



Barnett H. Kussner

BHK/PC:cl

cc: Ian Lord, WeirFoulds LLP
Chris Tzekas, WeirFoulds LLP
Mike McQuaid, WeirFoulds LLP
Kim Mullin, WeirFoulds LLP

3539540.1

SCHEDULE "A"

LIST OF APPELLANTS CITY OF TORONTO COMPREHENSIVE ZONING BY-LAW NO. 1156-2010 (OMB CASE NO. PL101111)

	APPELLANT'S NAMES	PROPERTIES	APPEAL #
1.	Borsook Holdings Limited	20 Research Road, East York	#590
2.	Calist Investments Limited	235 Wicksteed Avenue, East York	#592
3.	Jowaks Developments Limited, Durham-Mara Corporation and Fredwaks Developments Limited Jay Waks, Freddy Waks and Lujan Investments Limited Jocine Holdings Limited Finch-Main Plaza Limited	1620-30 Albion Road, Toronto 2636-2692 Eglinton Avenue East, Scarborough 1515-1575 Steeles Avenue, North York 202-210 Markham Road, Scarborough	#589
4.	Islamic Community of Afghans in Canada	88 Sunrise Avenue and 22 Hobson Avenue, North York	#588
5.	Larry Kielbowich and Lynn Guthrie	124 Browning Avenue, Toronto	#591
6.	Providence Healthcare	3276 St. Clair Avenue East, Toronto	#586
7.	MJB Corp. and Starbank Developments 1860 Corp.	1860 Bayview Avenue, Toronto	#584
8.	Starbank Development Corporation and Toronto Stock Yards Land Development Board	2133 St. Clair Avenue West, Toronto	#585
9.	Starbank Development Corporation Starbank Developments 1416 Corp. Starbank Developments 350 Corp.	603-607 Danforth Avenue, Toronto 1410 Eglinton Ave. West, Toronto 342-350 Bloor St. W., Toronto	#587

	APPELLANT'S NAMES	PROPERTIES	APPEAL #
	Starbank Development Corporation Starbank West Corporation Starbank Developments 350 Corp.	1648 Avenue Rd., Toronto 1650-1660 Avenue Rd., Toronto 4 & 6A Spadina Rd., Toronto	
10.	Chemtura Canada Co/Cie	565 Coronation Drive and 30 Chemical Court, Scarborough	#581
11.	Ron Faggetter & Cynthia Ledgley	17 Dacre Crescent, Toronto	#580
12.	Hurlburt Leasehold Properties	1197-1217 Ellesmere Road, Scarborough	#578
13.	Price Equities Limited Price Leaseholds Limited 1101 Yonge Street Limited North Toronto Station Corporation Birch Equities Limited	8 Price Street, Toronto 10 & 10R Price St., Toronto 1095, 1097, 1097A, 1099, 1101, 1003 & 1107 Yonge Street, Toronto 10 & 30 Scrivener Square, Toronto 1017A, 1196, 1200, 1202, 1204, 1206, 1208 & 1210 Yonge Street, Toronto	#570
14.	Flatiron Equities Limited	49 Wellington Street, Toronto	#571
15.	Front Street Equities Limited Market Street Leaseholds Limited Market Street Equities Limited The Esplanade Leaseholds Limited	87 Front Street, Toronto 8 Market Street, Toronto 10 & 12 Market St., Toronto 118 The Esplanade, Toronto	#573
16.	King James Place Limited King James Properties Limited	133 & 145 King Street East, Toronto 103, 105, 107 & 109 King Street East, Toronto	#572
17.	St. Marys Cement Inc. (Canada)	194 New Toronto Street, Toronto	#579

	APPELLANT'S NAMES	PROPERTIES	APPEAL #
18.	Tartu College	302-310 Bloor Street West, Toronto	#582
19.	Pal Properties Limited	2930-2948 Finch Avenue East, Scarborough	#574
20.	2006199 Ontario Ltd. 1079744 Ontario Ltd. 2225108 Ontario Inc.	721 Eastern Avenue, Toronto 30 Booth Avenue, Toronto 777 Kipling Avenue, Toronto	#583