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October 4, 2011

**By E-Mail Only to [pwic@toronto.ca](mailto:pwic@toronto.ca)**

Ms. Candy Davidovits  
Public Works and Infrastructure Committee Administrator  
City of Toronto  
Toronto City Hall  
10th Floor, West Tower  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

Dear Ms. Davidovits:

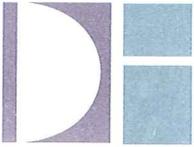
**Re: October 5, 2011 Meeting  
Public Works and Infrastructure Committee,  
Gardiner Expressway Interchanges Environmental Assessment  
Figtree Construction Ltd. ("Figtree")  
Kipling-Queensway Mall (the "Mall")**

We are counsel to Figtree, the owners of the Mall.

I write to express our client's concerns with the notice received in connection with this meeting, as well as with the exit ramp proposed for the northeast corner of the Gardiner Expressway and Kipling Avenue.

The notice is deficient. Specifically, it was provided by electronic mail at 4:00 p.m. on Friday, September 30, 2011, leaving only two business days to prepare a deputation or make a submission before the deadline of 4:30 p.m. today. This is not enough time for meaningful input on a matter of this importance.

By way of preliminary comment, therefore, our client wants your Committee to understand very clearly that the proposed ramp location will require the destruction of a large portion of the existing Mall. This would cause very substantial financial losses to our client and its tenants, for which the City would be liable in compensation for expropriation.



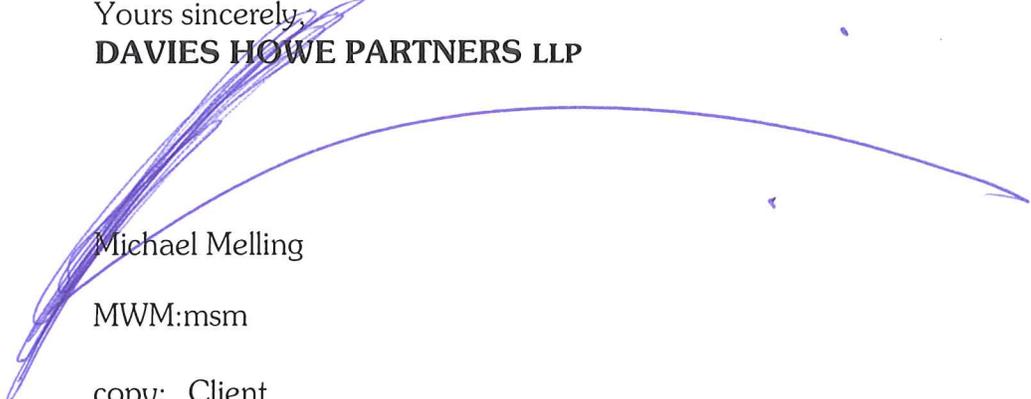
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As for the suggestion that the City await redevelopment of the Mall (and ignoring for the moment that my client does not agree that redevelopment would trigger any requirement to convey land for anything but market value), the Committee should know that the mere threat of a future taking has an adverse impact on the market value of the Mall. It will also deter potential lessees. Thus, regardless of the fact that the expropriation is not being undertaken now, Figtree is left with a property that is both devalued and less appealing to tenants.

Figtree therefore objects to the proposed ramp configuration and location, and asks that it be reconsidered prior to Council making a decision to issue the Notice of Study Completion and Environmental Study Report.

Yours sincerely,

**DAVIES HOWE PARTNERS LLP**



Michael Melling

MWM:msm

copy: Client