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BY EMAIL

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Merle MacDonald
Planning and Growth Management Committee
10th Floor , West Tower, City Hall
100 Queen Street West
Toronto Ontario
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Dear Ms MacDonald

**Re: Planning and Growth Management Committee Meeting October 12, 2012
Recommended Changes to the Draft Citywide Zoning By-Law
160 Greenfield Avenue et al – Kenneth-Sheppard Limited
452 Rathburn Avenue – Metrontario Investments Limited
Item PG18.7**

Aird & Berlis LLP acts for Kenneth-Sheppard Limited the owner of property municipally known as 160 Greenfield Avenue et al, and Metrontario Investments Limited the owner of property known as 452 Rathburn Avenue. Our clients appealed the now repealed Zoning By-law 1156-2010 [appeal #89 – Kenneth Sheppard Limited and appeal #90 – Metrontario Investments Limited].

Then and now we were seeking an amendment to provide that notwithstanding anything in the draft by-law, that site specific zoning and any related minor variances and other planning approvals continue to prevail, and that the new By-law will not subsequently be applied to impose further restrictions through zoning regulations that do not at present govern the property.

We noted that the June 2012 version of the Zoning By-law intends to exclude the properties from the new Zoning By-law. We have noted also that Chapter 1 Section 1.20.3 (1) which indicates that “*all lands regulated by this By-law are delineated by a zone boundary line on the Zoning By-law and Map and identified by a zone symbol as one of the zones listed in Section 1.40*”, is not consistent with Section 1.5.7 which relies on the category “*Not Part of This By-Law*” to affirm that the former General Zoning By-law applies to certain lands outside the zone boundary. It is clear to us that the intent of the City is indeed that the subject lands should be excluded from the new Citywide Zoning By-

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law, but that is not effect of the draft document published in June 2012. The June Draft By-law is not precise and this error needs to be corrected.

Corrections to the legend annotations of all of the Maps to include the category "Not Part of this By-law" should be made and extended to our clients' properties. Secondly, we are relying on the fact that Chapter 1 Section 1.5.6 asserts that "Nothing in this By-law repeals the provisions of the former General Zoning By-laws." It is important that all of the existing approvals remain in place for the subject lands.

We continue to have the same general concerns with the need to protect our clients existing property rights and zoning/planning approvals. We also continue to monitor the precision of the manner in which the new zoning by-law will delineate those parcels of lands which are to continue under the former General Zoning By-laws.

We therefore will await the revised version of the Draft Zoning By-law which will be released prior to the Statutory Public Meeting anticipated now for 2013 and provide final comments on the form and content of the planning instruments presented for approval at that time.

Respectfully submitted.

Yours truly,

AIRD & BERLIS LLP

Robert G. Doumani

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