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October 9, 2012

BY EMAIL

pgmc@toronto.ca;

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

Dear Ms. MacDonald:

**Re: Planning and Growth Management Committee Meeting Oct 12, 2012
Recommended Changes to the Draft Citywide Zoning By-law
1731, 1735 & 1739 Victoria Park Avenue
22 Oakmount Road
125 Neptune Drive
2550-2560 Kingston Road
10 Grenoble Drive
7 St Dennis Drive
140 Carlton Street
ITEM: PG18.7**

Aird & Berlis LLP acts for W.J Holdings Limited and other related companies with respect to the above noted properties within the City of Toronto. Our clients appealed the now repealed Zoning By-law 1156-2010 [Appeal #207 – W J Holdings et al].

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

While we have reviewed the June 2012 transition regulations respecting prior minor variances and certain site specific zoning by-laws, we are not satisfied that they will be adequately carried forward and continue to apply as intended at the time of approval.

October 9, 2012

Page 2

We are seeking proper assurances and clarity that notwithstanding anything in the Draft By-law, that prior site specific by-laws and minor variances will continue to prevail, that defined terms used in the site specific by-laws and minor variances will continue to be interpreted as those terms were defined at the time of approving same, and that new provisions of the Draft By-law will not now be applied to impose further restrictions on the subject lands which are not in force at present.

We have previously pointed out and provided the following site specific zoning by-laws:

22 Oakmout Road: Former City of Toronto By-law 171-67, as amended and Former City of Toronto By-law 22318;

125 Neptune Drive: Former City of North York By-law 25204, as amended

140 Carlton Street: Former City of Toronto By-law 146-70 as amended, and minor variance Decision to permit 3 additional units on the ground floor.

Our clients remain concerned that the range of uses permitted under the Former General Zoning By-laws and the zoning regulations associated with these uses be properly carried forward.

We continue to have the same general concerns with the need to protect our clients existing property rights and zoning/planning approvals. We will continue to monitor the precision of the new draft zoning by-law to determine whether these lands should not form part of the new By-law. 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

 Discussed not Read

 Robert G Doumani

c. W.J Holdings Limited

RGD/RD/rd
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