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87265

BY EMAIL

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

Dear Ms. MacDonald:

**Re: Planning and Growth Management Committee Meeting October 12, 2012
Recommended Changes to Draft Citywide Zoning By-law
1844-1854 Bloor Street West, 6-14 Oakmount Road and 35 & 37 Pacific
Avenue, City of Toronto
ITEM: PG18.7**

Aird & Berlis LLP acts on behalf of W.J. Holdings Limited, Davhill Investments Limited and Car-Allan Investments Limited in respect of the above-noted properties located in the City of Toronto (the "subject lands"). The buildings occupy the north side of Bloor Street West between Oakmount Road and Pacific Avenue and along the east side of Pacific Avenue and the west side of Oakmount Road. A TTC subway right-of-way, which lies north of the site, is vacant. These TTC lands are the subject of a lease which was entered into in 1972 with our client as lessee.

Our clients appealed the now-repealed Zoning By-law 1156-2010 [Appeal # 88 – W.J. Holdings et al].

Then and now we were of the opinion that the proposed Zoning By-law does not reflect that the site was the subject of on-going litigation and should be excluded from the By-law in the category "Not Part of This By-law". Our concern remains that the new regulations and definitions (such as gross floor area, height, etc.) would have a negative impact on redevelopment considerations for this subway-related redevelopment site. In order to avoid conflicts between the current, new or pending approvals, we requested that the whole of the subject lands remain as an area "Not Part of This By-law" and continue to be governed by the former general Zoning By-law.

We have reviewed the June 2012 version of the City's draft Zoning By-law and note that the properties are proposed to be included in the new document. Properties located at 12 & 14 Oakmount and located at 35 & 37 Pacific Avenue, and the TTC leased lands are proposed to be zoned R(d0.6)(x737). The properties located at 6-10 Oakmount Road and located at 1844 to 1854 Bloor Street West are proposed to be zoned R(f12.0;d2.0)(x7). The subject lands appear to be treated in the same manner in the new draft City-wide Zoning By-law as they were previously treated in By-law 1156-2010 which our clients appealed. Our clients continue to object to the inclusion of the subject lands within the proposed City-wide Zoning By-law at this time.

We repeat our request that the subject lands be identified as "Not Part of this By-law". We continue to be concerned with the need to protect our clients' property rights and planning and redevelopment approvals. We will continue to monitor the precision of the new draft Zoning By-law to determine and confirm that the lands are excluded from the new City-wide zoning initiative. We will await the revised version of the 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.

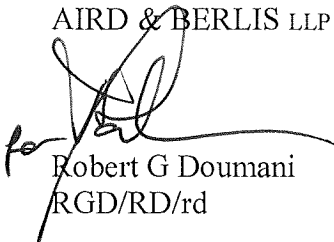
We also wish to point out that the current draft Zoning Maps need to be corrected to include within their legend annotations the category "Not Part of This By-law". At the present time this legend annotation is not included. Its omission is not consistent with regulation 1.5.7. (1) which indicates "This By-law applies to all the lands in the City of Toronto, except for those lands identified on the Zoning By-law Map in Section 990.1 as "Not Part of This By-law." This imprecision in the By-law could lead to future interpretation problems and ought to be corrected.

We are also relying upon the statement in proposed regulation 1.5.6 which indicates that "Nothing in this By-law repeals the provisions of the Former General Zoning By-laws."

We would welcome an opportunity to discuss our request with Staff.

Yours truly,

AIRD & BERLIS LLP



Robert G Doumani
RGD/RD/rd

Discussed not read

- c. W.J. Holdings Limited, Davhill Investments Limited and Car-Allan Investments Limited
- c. Paul Stagl