

PG21.1.270

McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

**mccarthy
tétrault**

John A.R. Dawson
Counsel
Direct Line: (416) 601-8300
Direct Fax: (416) 868-0673
Email: jdawson@mccarthy.ca

Assistant: Chiu, Stephanie Ying Hui
Direct Line: (416) 601-7863

March 20, 2013

Via Email and Courier

Mayor and Members of Council
City of Toronto
Metro Hall, 24th Floor
55 John Street
Toronto ON M5V 3C6

RECEIVED
MAY 13
TORONTO
ON

Your Worship and Members of Council:

Re: Proposed New Comprehensive Zoning By-law ("New By-law")
**And Re: Planning and Growth Management Committee PG 21.1
Final Report on the City-Wide Zoning By-law**

We are the solicitors for Silvercore Properties Inc., the owner of properties known municipally as 5799-5915 Yonge Street, 46 and 47 Averill Crescent, and the owner by virtue of an agreement of purchase and sale of 45-53 Cummer Avenue.

Our client has an active official plan amendment and rezoning application respecting each of the above properties. Based on our review of the New By-law, it would appear that the Yonge and Cummer properties are in "holes", i.e. the pre-existing zoning will continue to apply after the approval of the New By-law. However, the Averill properties are not in a "hole". We understand that the City's protocol is to place properties subject to a rezoning application into a "hole" and our client therefore objects, as a preliminary matter, and subject to the following comments hereinbelow, to the apparent failure to do so in this case.

Generally speaking, it is our client's submission that the zoning applicable to the aforementioned properties should be amended to reflect the permissions and provisions contemplated by its applications. It would further object to any amendments to the New By-law which would serve to derogate from the permissions contemplated by either the existing zoning or official plan provisions as such relate to the aforementioned properties.

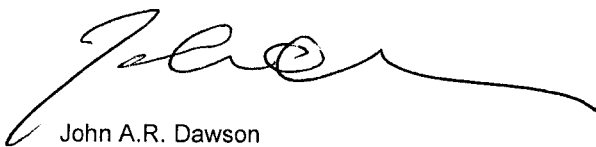
Please note that our client could only accept the placement of its properties in "holes" provided that a protocol to co-ordinate such treatment with the consideration/approval of its application is adequately secured.

We would be pleased to discuss the foregoing. Please provide us with notice of Council's decision in this matter or of any future consideration by Council, Community Council or any Committee.

Thank you for your attention in this regard.

Yours very truly,
McCarthy Tétrault LLP

Per:



John A.R. Dawson
JAD/rlo

190990/324428
MT DOCS 12311910v1