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2013 MAR 22 P 5: 27

March 22, 2013

Mayor and Members of Council
 City of Toronto
 Toronto City Hall
 100 Queen Street West
 Toronto ON M5H 2N2

Your Worship and Members of Council:

**Re: Proposed New Comprehensive Zoning By-law ("New By-law")
 Alterra-Finer (Post House) Ltd.**

And Re: Item PG21.1 – Final Report on the City Wide Zoning By-law

We are the solicitors for Alterra-Finer (Post House) Ltd., the owner of the property municipally known as 105 George Street.

105 George Street is located on the east side of George Street, south of Richmond Street East and north of Adelaide Street East. 105 George Street is currently under construction for a residential building in accordance with the former City of Toronto Zoning By-law No. 438-86, as amended and minor variances thereto, and as contemplated by an active application for site plan approval (City File No. 09 174232 STE 28 SA) (the "Site Plan Application"). The redevelopment of 105 George Street also contemplates a proposed courtyard that would be situated upon part of the lands municipally known as 252 Adelaide Street East. 105 George Street and 252 Adelaide Street East (collectively the "Property") are both the subject of the Site Plan Application.

Based on our review of the New By-law, it appears that the Property is in a "hole" – i.e. the zoning in place prior to the approval of the New By-law would continue to apply. Generally speaking, it is our client's submission that the entire zoning regime applicable to the Property should reflect the permissions and provisions contemplated by the existing approvals, the ongoing application and any approvals related thereto.

Provided the placement of the Property in a "hole" fully respects this principle, our client could accept this treatment of the Property at this time, provided further that any potential future action which could serve to alter this status is subject to controls to ensure this principle is not violated.

Our client 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 framework or official plan provisions as they relate to the Property.

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 Community Council, Council, or any Committee.

Thank you for your attention in this regard.

Yours very truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in black ink, appearing to read "Daniel B. Arténosi", written over a horizontal line.

Daniel B. Arténosi

DBA

c. Robert Cooper, Alterra-Finer (Post House) Ltd.