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**PG21.1.287**

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March 21, 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")  
Pier 27 Toronto Inc., Pier 27 Toronto (North) Inc., Pier 27 Toronto (West)  
Inc.**

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

We are the solicitors for Pier 27 Toronto Inc., Pier 27 Toronto (North) Inc., and Pier 27 Toronto (West) Inc (collectively, "**Pier 27**").

Pier 27 has filed applications for an official plan amendment and rezoning (City File No. 10 147083 STE 28 OZ) and site plan approval (City File No. 10 147097 STE 28 SA) for the property known municipally as 7, 15, 25R, 29 & 39 Queens Quay East (the "**Site**"). City Council approved Official Plan Amendment No. 393 (the "**OPA**") and enacted Zoning By-law No. 680-2012 (the "**ZBA**") in May 2012. The OPA and the ZBA have been appealed to the Ontario Municipal Board by third parties, and the site plan application has been referred to the Ontario Municipal Board by our client (OMB Case No. PL120635).

Based on our review of the New By-law, it appears that the Site 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 Site should reflect the permissions and provisions contemplated by the OPA and the ZBA and the ongoing site plan application.

Provided the placement of the Site in a "hole" fully respects this principle, our client could accept this treatment of the Site at this time, provided further that any potential future action which could serve to alter this status is subject to controls to ensure that 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 or official plan provisions as they relate to the Site.

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:

A handwritten signature in black ink, appearing to read 'CJT', with a long horizontal flourish extending to the right.

Christopher J. Tanzola

CJT/rlo

c. P. Stellato (Pier 27)