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**mccarthy
tétrault**

2013 MAR 27 A 7:52

March 26, 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")
Sussexwest Developments Inc.**

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

We are the solicitors for Sussexwest Developments Inc., the owner of the property municipally known as 426 University Avenue (the "Site"). The Site is located on the west side of University Avenue, just south of Dundas Street West, and is currently under construction for a 42-storey mixed use building in accordance with former City of Toronto Zoning By-law No. 438-86, as amended by By-law No. 481-2010.

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 existing approvals.

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 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 Site.

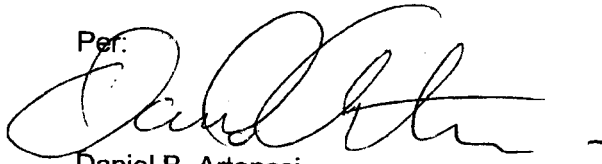
We would be pleased to discuss the foregoing. Please provide us with notice of Council's decision in this matter or of any future consideration by Community Council, Council, or any Committee.

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. Artenosi". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel B. Artenosi

DBA

c. Steve Deveaux