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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")  
2046478 Ontario Limited and 14 Prince Arthur Avenue Limited**

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

We are the solicitors for 2046478 Ontario Limited, being the owner of the property municipally known as 10 Prince Arthur Avenue, and 14 Prince Arthur Avenue Limited, being the owner of the lands municipally known as 14 Prince Arthur Avenue (collectively the "Site"). The Site is located on the north side of Prince Arthur Avenue, east of Avenue Road and west of Bedford Road, and is within the East Annex Heritage Conservation District that is designated under Part V of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended.

The Site is proposed to be developed with a 7-storey mixed-use building that incorporates the existing building located at 10 Prince Arthur Avenue, with pending appeals before the Ontario Municipal Board in relation to applications for an official plan amendment and zoning by-law amendment (City File No. 08 171665 STE 20 OZ), and for site plan approval (City File No. 08 171673 STE 20 SA). By decision dated February 16, 2011, the Ontario Municipal Board approved these applications in principle, but withheld its final order pending the completion of certain matters.

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 clients' submission that the entire zoning regime applicable to the Site should reflect the permissions and provisions contemplated by the existing zoning framework and any approvals of the pending appeals before the Ontario Municipal Board.

Provided the placement of the Site in a "hole" fully respects this principle, our clients 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 clients 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.

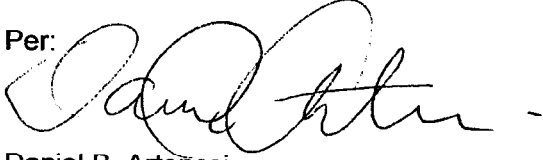
We would be pleased to discuss the foregoing. Please provide us with notice of Council's decision in this matter or of any future consideration by Community Council, Council, or any Committee.

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. Arsenosi", written over a horizontal line.

Daniel B. Arsenosi

DBA

c. Alfredo Romano  
Robert Cheung