

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

CITY CLERK'S OFFICE
 SECRETARIAT SECTION

2013 MAR 28 P 12: 13

Tara L. Piurko
 Partner
 Direct Line: (416) 601-7675
 Direct Fax: (416) 868-0673
 Email: tpiurko@mccarthy.ca

**mccarthy
 tetrault**

March 28, 2013

VIA E-MAIL (clerk@toronto.ca)

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

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 1098748 Ontario Limited, the owner of properties known municipally as 3850 (Agincourt Mall) and 3900 (vacant parcel) Sheppard Avenue East and 2350 – 2362 Kennedy Road (commercial plaza).

Based on our review of the New By-law, it appears that each of the above properties is in a "hole" i.e. the zoning in place prior to the approval of the New By-law will continue to apply. Generally speaking, it is our client's submission that the entire zoning regime applicable to these properties should reflect the permissions and provisions contemplated by the existing approvals without qualification. Our client could accept the placement of its properties in a "hole" only on the basis that this principle was strictly followed without error. Our client would further object to any change to the New By-law that could have the effect of diminishing or lessening in any way the development permissions currently in place for each property.

Please provide us with notice of Council's decision in this matter, including any subsequent consideration by Council, Community Council, or any Committee.

Thank you for your kind consideration.

Yours very truly,

McCarthy Tétrault LLP


 Tara L. Piurko

TLP/csb