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April 2, 2013

**VIA E-MAIL & COURIER**

Mayor and Members of Council  
 City of Toronto  
 Metro Hall, 24th Floor  
 55 John Street  
 Toronto ON M5V 3C6

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 The Corporation of Massey Hall and Roy Thomson Hall, agents for The Massey Hall Foundation and the Trustees of Massey Hall who are the owners of the property known municipally as 15 Shuter Street, 178 and 180 Victoria Street (the "Massey Lands") which is occupied by the historic Massey Hall concert hall. Our client has made an application for Site Plan Approval, an application under the Ontario Heritage Act, as well as an application for encroachment, all over on the Massey Lands and over a portion of adjacent lands (the "Massey Applications"). Our client is also working with the City and is involved with an application filed by MOD Developments (197 Yonge) Inc. for official plan and by-law amendment which includes lands that are proposed to be gifted to Massey Hall and the Massey Lands (the "OPA/ZBA Application").

The majority of the lands subject to the OPA/ZBA Application are proposed to be in a "hole", with the exception of the Massey Lands. We note that the New By-law appears to place many sites which are subject of active zoning by-law amendment applications in "holes" (i.e. where the zoning in place prior to the approval of the New By-law would continue to apply). It is our client's submission that the entire zoning regime applicable to the Massey Lands should reflect the permissions and provisions contemplated by the Massey Applications and the OPA/ZBA Application. Therefore it is our client's request that the New By-law be amended accordingly. Provided that the placement of the Massey Lands in a "hole" fully respects that principle, our client could accept that treatment, provided further that any potential future action which could serve to alter this status is appropriately requested.

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 thereof by Council, Community Council or any Committee.

Thank you for your attention in this regard.

Yours very truly,

McCarthy Tétrault LLP



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Partner

c. Charlie Cutts, President and Chief Executive Officer  
Roslyn Houser, Goodmans LLP