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April 2, 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")
115 Dupont Holdings Limited and Mask Acquisitions Limited****And Re: Item PG21.1 – Final Report on the City Wide Zoning By-law**

We are the solicitors for 115 Dupont Holdings Limited, being the owner of the lands municipally known as 115 Dupont Street, and Mask Acquisitions Limited, being the owner of the lands municipally known as 121, 123 and 125 Scollard Avenue ("**121-125 Scollard**") pursuant to an agreement of purchase and sale.

121-125 Scollard Avenue: This property is located on the south side of Scollard Avenue, between Bay Street and Hazelton Avenue. The property is the subject of an approved minor variance to the former City of Toronto Zoning By-law No. 438-86 (Committee File No. A0076/08TEY) and an active application for Site Plan Approval (City File No. 07 269241 STE 27 SA), which would permit the construction of a four storey addition to the existing building. Based on our review of the New By-law, it appears that 121-125 Scollard Avenue 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 this property should reflect the permissions and provisions contemplated by the existing approvals and applications.

Provided the placement of the property in a "hole" fully respects this principle, our client could accept this treatment of the property 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.

115 Dupont Street: This property is located on the south side of Dupont Street, between Avenue Road and Bathurst Street, with access off of a laneway that runs from Dupont Street to Bedford Road. This property forms part of a phased development and is the subject of an approved minor variance to the former City of Toronto Zoning By-law No. 438-86, and an approved application for Site Plan Approval including an executed site plan agreement. Based on our review of the New By-law, this property is proposed to be zoned CR 2.0 (c2.0; r1.5) SS2 (x2357). Generally speaking, it is our client's submission that the entire zoning regime

applicable to this property should reflect the permissions and provisions contemplated by the existing approvals.

Our clients would 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 properties discussed above.

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:



Daniel B. Artenosi

DBA

c. Ken Zuckerman