

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

Christopher J. Tanzola
 Direct Line: (416) 601-7855
 Direct Fax: (416) 868-0673
 Email: ctanzola@mccarthy.ca

CITY CLERK'S OFFICE
 SECRETARIAT SECTION

2013 APR -2 A 9:50

**mccarthy
 tetrault**

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")
 NHD Developments Limited, 32 Camden G.P. Inc., 5200 Yonge G.P. Inc.**

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

We are the solicitors for NHD Developments Limited and the affiliated and related companies listed in Appendix 1 of this letter (collectively, "NHD et al."). The properties of concern to NHD et al. are listed in Appendix 1 to this letter, and include the properties municipally known as 4001 Steeles Avenue West, 32 Camden Street, and 5200 Yonge Street.

32 Camden Street: This property is located on the north side of Camden Street, between Brant Street and Spadina Avenue in the King-Spadina Secondary Plan Area. The property is currently under construction for a 12-storey mixed use building, and is the subject of two minor variances to the former City of Toronto Zoning By-law No. 438-86, and an approved application for Site Plan Approval (City File No. 10 164642 STE 20 SA).

5200 Yonge Street: This property is located on the west side of Yonge Street, north of Park Home Avenue/Empress Avenue in the North York Centre Secondary Plan Area. The property is the subject of an active Official Plan Amendment application (City File No. 10 164793 NNY 23 OZ) and Zoning By-law Amendment application (City File No. 12 116291 NNY 23 OZ) which would permit the development of the site with an approximately 37-storey mixed-use residential and commercial building. We note that a portion of the property is also the subject of site-specific By-law No. 453-1999.

Based on our review of the New By-law, it appears that 32 Camden Street and 5200 Yonge Street are 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 these properties should reflect the permissions and provisions contemplated by the existing applications.

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

4001 Steeles Avenue West: This property is located at the southwest corner of Jane Street and Steeles Avenue West and is improved with high-rise residential apartment buildings. Based on our review of the New By-law, this property is proposed to be zoned RA (f30.0); a375; d1.5) subject to exception 110, which appears to provide that the former City of North York By-law No. 25435 shall apply as a prevailing by-law on these lands. It is unclear how this New By-law applies to resolve any conflicts that may arise between this prevailing by-law and the New By-law as a whole. 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 all of the properties discussed above, including all of the properties listed in Appendix 1 of this letter.

We understand that through various iterations to the proposed New By-law, the matter of paid visitor parking within residential zones has been considered. Based on our review of the current iteration of the proposed New By-law, the New By-law does not preclude payment for visitor parking within residential zones. Our clients would object to any amendments to the New By-law which would serve to prohibit payment for visitor parking within residential zones.

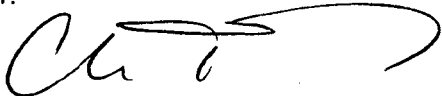
We would be pleased to discuss the foregoing. Please provide us with notice of Council's decision in this matter or of any future consideration by Community Council, Council, or any Committee.

Thank you for your attention in this regard.

Yours very truly,

McCarthy Tétrault LLP

Per:



Christopher J. Tanzola

CJT/dba

c. Anna Fagyas

STREET NAME	STREET #	COMPANY OWNERSHIP
CAMDEN STREET	32	32 Camden G.P. Inc.
NEWGALE GATE	10	Director Industrial Holdings Limited
TAPSCOTT ROAD	775, 781	Director Industrial Holdings Limited
FINCHDENE SQUARE	460-480	Director Industrial Properties Limited
DUFFERIN STREET	2493	Discount Plaza Limited
EGLINTON AVENUE WEST	1658	Discount Plaza Limited
KENHAR DRIVE	21-41	Discount Plaza Limited
WESTON ROAD	3671 - 3687	Discount Plaza Limited
ESTATE DRIVE	21-35, 37-57	Estate Industrial Park
FINCHDENE SQUARE	495	Finchmor/Omonia Limited Partnership
FINCH AVENUE EAST	5750 & 5760	Finchmor-Fintan Limited
BATHURST	52,56,62	Generic General Partners Inc.
BROADVIEW AVENUE	60	Generic General Partners Inc.
FIMA CRESCENT	70	Hady Construction Limited
AVENUE ROAD	1889-1895, 1902-1910	NHD Developments Limited
BATHURST STREET	3416-3426, 3429-3433	NHD Developments Limited
BERGAMOT	10 to 20	NHD Developments Limited
BLONDIN AVE.	4-16	NHD Developments Limited
BROADOAKS DRIVE	20 & 25	NHD Developments Limited
BROOK AVENUE	245 to 247	NHD Developments Limited
CATFORD RD.	11	NHD Developments Limited
CORONATION DRIVE	520, 530 540 & 550	NHD Developments Limited
EGLINTON AVENUE WEST	1664-1670, 1760-1764	NHD Developments Limited
ESTATE DRIVE	10, 16, 20	NHD Developments Limited
FAULKLAND ROAD	29	NHD Developments Limited
FINCH AVENUE EAST	5620, 5630, 5736, 5746	NHD Developments Limited
FINCHDENE SQUARE	160, 170, 180, 221, 227, 247, 257, 360, 380, 400,455, 485	NHD Developments Limited
FLAX GARDENWAY	1 to 82	NHD Developments Limited
HARLECH CRT.	11-19, 21-27	NHD Developments Limited
HOWDEN ROAD	49, 59-63	NHD Developments Limited
HULLMAR DRIVE	360	NHD Developments Limited
HULLMAR DRIVE	365 to 369	NHD Developments Limited
JANE STREET	4800 & 5000	NHD Developments Limited
KEELE STREET	3765-3777	NHD Developments Limited
KEELE STREET	3710	NHD Developments Limited
METROPOLITAN ROAD	40 & 44	NHD Developments Limited
MILNER AVENUE	48, 50	NHD Developments Limited
NORFINCH DRIVE	370, 400-490, 500-529, 535	NHD Developments Limited
PROGRESS AVENUE	861	NHD Developments Limited
RED CEDARWAY	1 to 96	NHD Developments Limited
SHEPPARD EAST	4900, 4910	NHD Developments Limited
STEELES AVENUE WEST	4001	NHD Developments Limited
STEELES AVENUE WEST	4345-4377	NHD Developments Limited
STEELES AVENUE WEST	4249 - 4335	NHD Developments Limited
TAPSCOTT ROAD	719, 720, 727	NHD Developments Limited

WALSH AVE.	29-45, 47-51	NHD Developments Limited
WESTON ROAD	3640-3650	NHD Developments Limited
WILSON AVE.	2217-2245	NHD Developments Limited
YONGE STREET	5182 to 5186 + 5200	NHD Developments Limited
SIMCOE STREET	210	Sorloan Investments Inc.
LEPAGE COURT	10	Wedgewood Columbus Limited
LOVILLA BOULEVARD	73	Wedgewood Columbus Limited
TORYORK DRIVE	2	Wedgewood Columbus Limited
WARDEN AVENUE	752	Wedgewood Columbus Limited
BELFIELD ROAD	230	Wedgewood Columbus Limited In Trust
	Residential properties	
	Commercial/Residential Properties	