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April 2, 2013

VIA E-MAIL & COURIER

Mayor and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto ON M5M 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 solicitors for Talon International Development Inc., which has interests in the property known municipally as 311-325 Bay Street.

Our client's property was the subject of a very detailed zoning exercise conducted by the City, culminating in site-specific by-law No. 587-2003. This by-law was subsequently varied by order of the Ontario Municipal Board. This zoning regime as a whole was precisely calibrated to integrate the intended use of the property with the built form controls.

However, under the New Zoning By-law the site specific zoning is merely one of several "prevailing" provisions. Our client submits that the New By-law should not derogate in any way from the permissions and provisions in the existing zoning regime applicable to the property (i.e. By-law No. 587-2003, as varied). Therefore, the imposition of additional zoning provisions in the New By-law to the property should not be permitted and instead the property should be placed in a "hole" – i.e. the current zoning regime should continue unqualified.

That this is not the case is patent. For example, By-law 587-2003 specifically exempts the site from Exception 12(2) 276, whereas the New By-law specifically identifies that Exception as a prevailing section.

Our client would therefore also object to any amendment to the New By-law which would derogate from the existing permissions.

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

Thank you for your kind consideration.

Yours truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in black ink, appearing to read 'JAD', with a long, sweeping horizontal flourish extending to the right.

John A.R. Dawson
JAD/rlo