

**STIKEMAN ELLIOTT**

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
 Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz  
 Direct: (416) 869-5669  
 E-mail: clantz@stikeman.com

**BY E-MAIL**  
 clerk@toronto.ca

April 2, 2013  
 File No: 112404.1038

City of Toronto City Clerk's Office  
 Toronto City Hall  
 100 Queen Street West  
 10th Floor, West Tower  
 Toronto, ON M5H 2N2

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

**Re: Concerns with the Proposed City of Toronto Zoning By-law**  
**Client: InnVest Properties Corp.**  
**Property: 280 Bloor Street West**  
**Municipality: City of Toronto**

We are solicitors for InnVest Properties Corp. with respect to the property municipally known as 280 Bloor Street West, City of Toronto (the "Property"). The Property is developed with a Holiday Inn Hotel which is physically linked to residential dwelling units to the North and several accessory and complementary uses, including street-related commercial uses.

The purpose of this letter is to document some of our client's concerns with the proposed new city-wide Zoning By-law (the "Draft By-law") released on November 8, 2012.

The Property is zoned CR T 2.0 C1.0 R2.0 and subject to a height limit of 14 metres, according to City of Toronto Zoning By-law 438-86, as amended (the "By-law"). The Property is also subject to the provisions of site-specific by-laws 787-83, 540-87, 326-85 and 205-88. By-laws 787-83 and 788-83 are prevailing by-laws pertaining to the Property. The Property also benefits from a number of minor variance decisions pertaining to residential gross floor area, surface parking, underground parking space dimensions, and a parking structure.

The Property is proposed to be zoned CR2.0 (c1.0; r2.0) SS2 (x2368) according to the Draft By-law, subject to Site Specific Exception CR 2368 and a Height Overlay of 14 metres, according to the Draft By-law.

TORONTO  
 MONTREAL  
 OTTAWA  
 CALGARY  
 VANCOUVER  
 NEW YORK  
 LONDON  
 SYDNEY

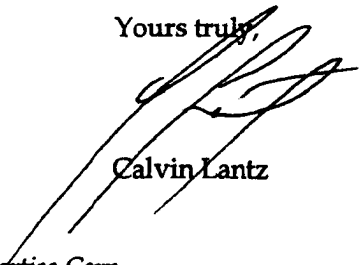
A number of development standards are proposed to be added or changed in the Draft By-law relative to the By-law, which will impact the ability of our client to maintain and improve their Property, most notably:

- The proposed condition under Clause 40.10.20.100(4) that restricts hotel suites and residential dwelling units on the same storey;
- The proposed condition under Clause 40.10.40.1(4) that stipulates no building is to be used as a hotel, if another building is located between it and the street that the hotel fronts on;
- The proposed requirement under Clause 40.10.40.10(5) that a building in the CR zone must have a minimum first storey height of 4.5 metres;
- The proposed requirement under Clause 40.10.40.70(2)(G) that a building in a CR zone, subject to Development Standard Set 2, must not penetrate a 45 degrees angular plane, measured at a line parallel to and at a height above a lot line that abuts a street and is not a rear lot line, equal to 80% of the width of the street right-of-way on which the lot has frontage;
- The proposed bicycle parking requirement for eating establishments, office uses, retail stores, etc. under Clause 230.25.10.1(3) that applies regardless of whether the combined non-residential gross floor area is below 2,000 square metres (which represents the threshold before bicycle parking is required in the By-law); and,
- The Property benefits from a number of minor variances from the By-law. The Draft By-law contains ambiguity with respect to how existing minor variances will be treated. The legality of the transitioning and grandparenting provisions for minor variances is still also in question.

Since the Draft By-law process is an iterative one, we reserve the right to raise further issues with provisions of the Draft By-law that may affect the Property.

We ask to be provided with notice of all upcoming meetings of Council and Committees of Council at which the Draft By-law will be considered and we ask to be provided with notice of Council's decision with respect to the Draft By-law. If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,

  
Calvin Lantz

CWL/mc

cc: George Kosziwka, *InnVest Properties Corp.*