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AIRD & BERLIS LLP

Barristers and Solicitors

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June 17, 2013

BY EMAIL

Our File #111617

North York Community Council
North York Civic Centre
Main Floor, 5100 Yonge Street
Toronto, ON M2N 5V6

Attn: Francine Adamo, Secretariat

Dear Sirs/Mesdames:

**Re: Item No. NY25.44
Status Report – Yonge, Duplex, Helendale and Orchard View Block Study**

We act on behalf of the owners of 31, 33, 35 and 37 Helendale Avenue. On March 30, 2012 our client submitted an application for rezoning to permit a 24-storey apartment building on the subject site. As directed by North York Community Council, a community consultation meeting is scheduled for June 18, 2013 respecting our client's development application and the application submitted by the owners of the adjacent site to the east at 2360 Yonge Street.

Our client has participated in the Block Study, and will continue to do so. We are writing at this time to register our client's early concern with the draft Area Specific Policy contained in Attachment 8 to the report, and the fact that it is being brought forward at this time. It is not clear whether the report seeks to retroactively apply any such Area Specific Policy to previously submitted applications. If indeed that is the intent, that would be inappropriate and contrary to well established case law at the Ontario Municipal Board. Our client is entitled to have its application considered in the context of policies in force at the time of submission. We respectfully request that this matter be referred back to staff for a report clarifying the foregoing.

Please provide the undersigned with notice of any further public meetings or decisions made in respect of the Block Study and in particular with respect to any Site and Area Specific Policy arising therefrom. Thank you very much.

June 17, 2013

Page 2

Yours truly,

AIRD & BERLIS LLP

Kim M. Koval
KMK:mr

cc: Client
Paul Stagl
Roland Rom Colthoff

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