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Delivered Via Email

City of Toronto
Planning and Growth Management Committee
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear: Chair and Members of the Committee

**Re: Revised Draft City of Toronto Zoning By-law (November 8, 2012)
56 Queen Street East and 51 Bond Street, Toronto**

We act on behalf of Lancer Metropolitan Corporation, who owns the lands bound by Queen Street West to the South, Shuter Street to the North, Bond Street to the West and Church Street to the East in the City of Toronto ("the block"). The property is municipally known as 56 Queen Street East and 51 Bond Street ("subject property").

We have reviewed the new revised draft by-law (November 8, 2012) and its predecessor (June 18, 2012) and acknowledge that in this most recent update, part of the subject property (56 Queen Street East) has been placed in a 'hole' and that the new zoning by-law will not apply to this portion of the subject property.

We acknowledge the removal of site specific, prevailing sections 12(2)132 and 12(2)216 for 51 Bond Street (Exception 1696). However, we object to the persistence of prevailing section 12(2)260 and question why it is being brought forward, given its similar, redundant qualities as the previously mentioned removed sections. Section 12(2)260 which regulates height and angular plane on built form abutting Church Street, is rendered irrelevant in this particular instance, because of the site specific provisions in by-law 1015-2003 which is a prevailing by-law. We therefore request that 12(2)260 also be removed as prevailing.

There are certain instances where by-law 1015-2003 may be silent on particular provisions and there is concern that new provisions may be imposed upon the property if it is incorporated into the new draft by-law. These new requirements will not have fully considered or recognized the site specific by-law and the context in which it was composed. Therefore, the integrity of the original plan for the property may be undermined through incompatible provisions. More specifically, our client does not want to

accept the risk of the new by-law imposing requirements where site specific by-law 1015-2003 is silent (the risk being that there is no "conflict") and the existing site plan approval makes no allowance for such new requirements.

Lastly, given the nature of by-law 1015-2003 and the fact that it addresses development of the block as a whole, we submit that it only makes sense to place the entire block, [51 Bond Street and 56 Queen Street] into a hole to be governed by zoning by-law 438-86 as amended by by-law 1015-2003. Moreover, the subject property has obtained Site Plan Approval, with the site plan drawings and related agreements governing comprehensive development and use of the entire block. It is our understanding that sites with a complete application for site plan approval submitted before enactment of the new by-law are intended to be excluded. Surely a site with an approved site plan, covering development of the whole site, should also be excluded.

We kindly request, the above mentioned concerns and requests be addressed before the enactment of the revised draft zoning by-law.

We would be pleased to speak with you, should you have any questions regarding these requests.

Sincerely,

BORDEN LADNER GERVAIS LLP



Adam Shipowick

cc: Ulli Watkiss (City of Toronto Clerk)
Joe D'Abramo (Director of Zoning By-law and Environmental Planning, City of Toronto)
Irv Rayman (Lancer Metropolitan Corporation)
Pitman Patterson (Borden Ladner Gervais LLP)