
AIRD & BERLIS LLP

Barristers and Solicitors

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February 7, 2013

87265

BY EMAIL

pgmc@toronto.ca;

Frances Pritchard
Planning and Growth Management Committee
City Hall, 10th Floor West Tower
100 Queen Street West
Toronto Ontario
M5H 2N2

Dear Ms. Pritchard:

**Re: Planning and Growth Management Committee Meeting February 13, 2013
Statutory Public Meeting
Citywide Zoning By-law
1844-1854 Bloor Street West,
6-14 Oakmount Road and
35 & 37 Pacific Avenue, City of Toronto
Abutting Vacant Surplus TTC r-o-w Lands Acquired by Client
ITEM PG21.1**

Aird & Berlis LLP acts for W. J Holdings Limited, Davhill Investments Limited and Car-Allan Investment Limited in respect of the above noted properties located in the City of Toronto (the "subject lands"). The buildings occupy the north side of Bloor Street West between Oakmount Road and Pacific Avenue along the east side of Pacific Avenue and along the west side of Oakmount Road. A TTC subway right-of-way, which lies north of the site is vacant. Our clients purchased approximately two-thirds (2/3) of the vacant parcel from the TTC in 2012.

Our clients appealed (the now repealed) Zoning By-law 1156-2010 [Appeal #88 – W J Holdings et al].

We made written submissions to the Planning and Growth Management Committee Meeting of October 12, 2012 based on our review of the June 2012 version of the citywide zoning by-law and we requested that the whole of the subject lands be described as an area which is "*Not Part of This By-law*" and that they continue to be governed by the former General Zoning By-law 438-86 as amended. A copy of our previous letter is attached.

February 7, 2013

Page 2

We have reviewed Clause 1.5.7 of the November 8, 2012 version of the Zoning By-law and Zoning Map 396 which indicates that the subject lands are governed by the Former General Zoning By-law 438-86, excerpt copy attached. The January 22, 2013 Final Staff Report does not propose to modify Map 396 as presented in November.

We therefore support the November 8, 2012 version of the Zoning By-law which we understand excludes the whole of the subject lands from the new Citywide Zoning By-law.

Please accept this letter as our request that we receive final Notice of the Passing of the new Citywide Zoning By-law so that we may at the time of enactment confirm that the by-law as passed excludes the whole of the subject lands.

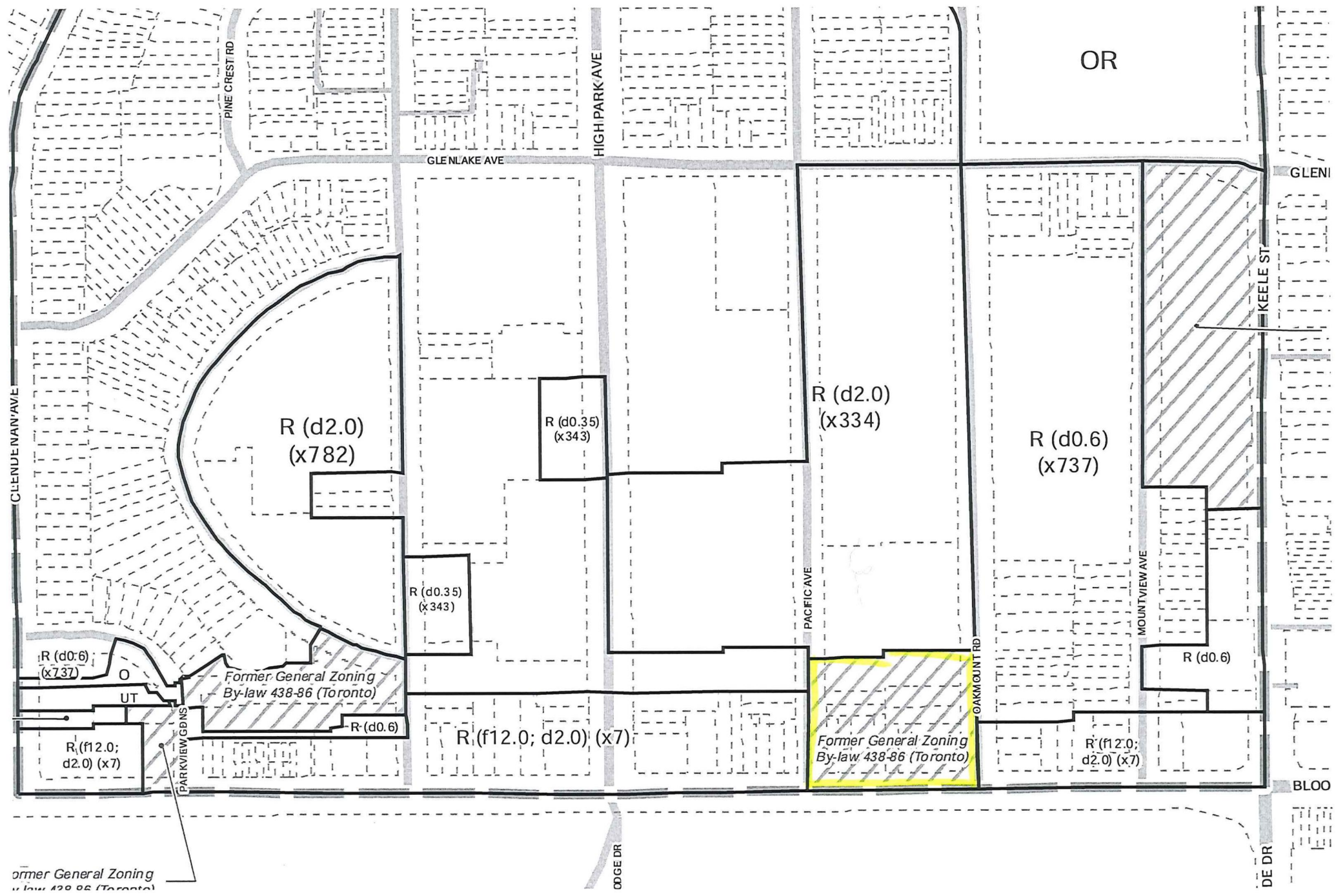
Yours truly,

AIRD & BERLIS LLP

Robert G Doumani

c. W J Holdings Limited et al
c. P Stagl

RGD/RD/rd
14022226.2



OR

GLENLAKE AVE

KEELE ST

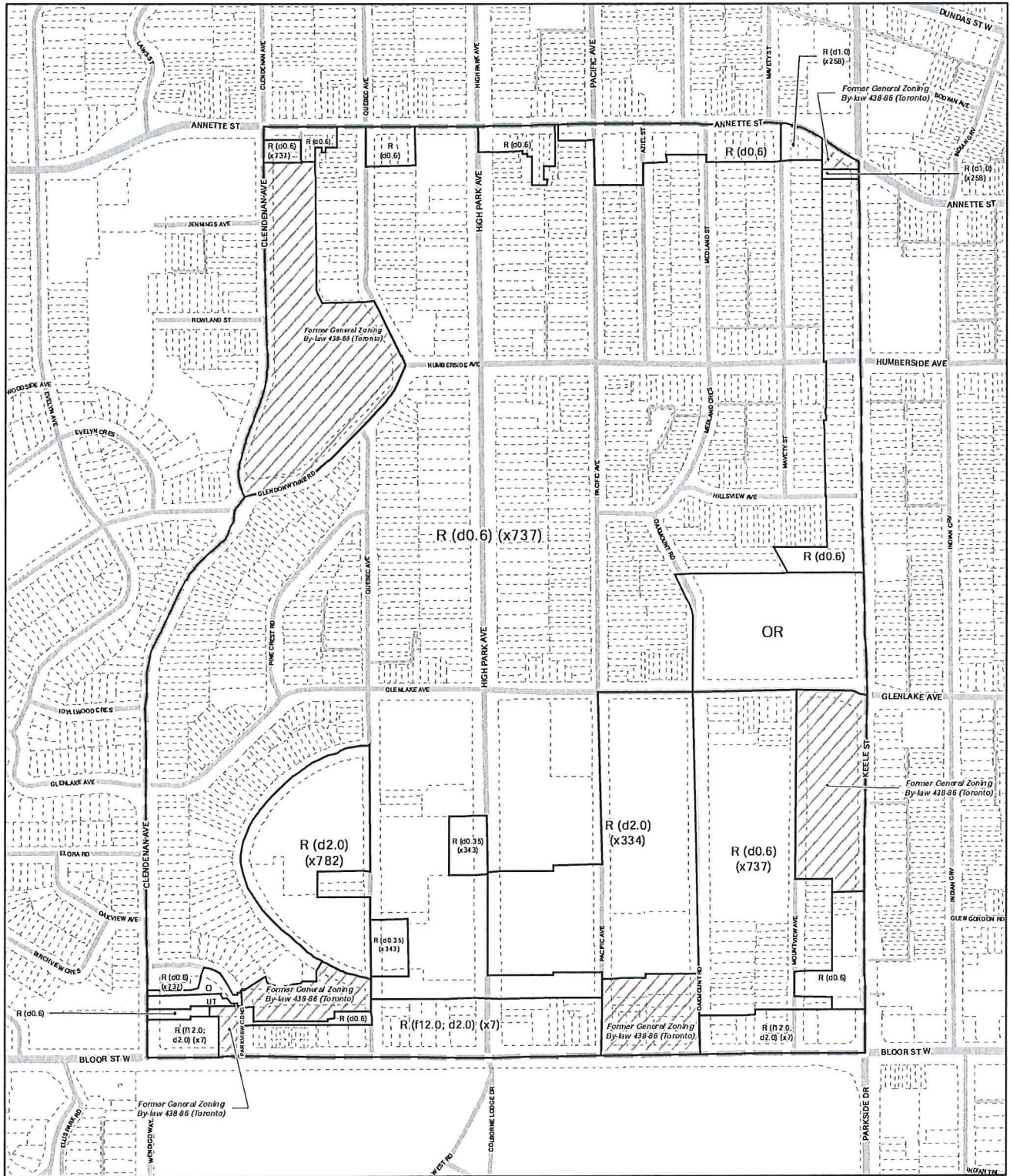
BLOOR ST

DODGE DR

Former General Zoning By-law 438-86 (Toronto)

Former General Zoning By-law 438-86 (Toronto)

Former General Zoning By-law 438-86 (Toronto)



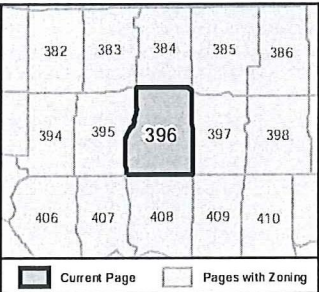
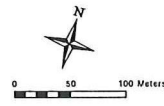
TORONTO City Planning

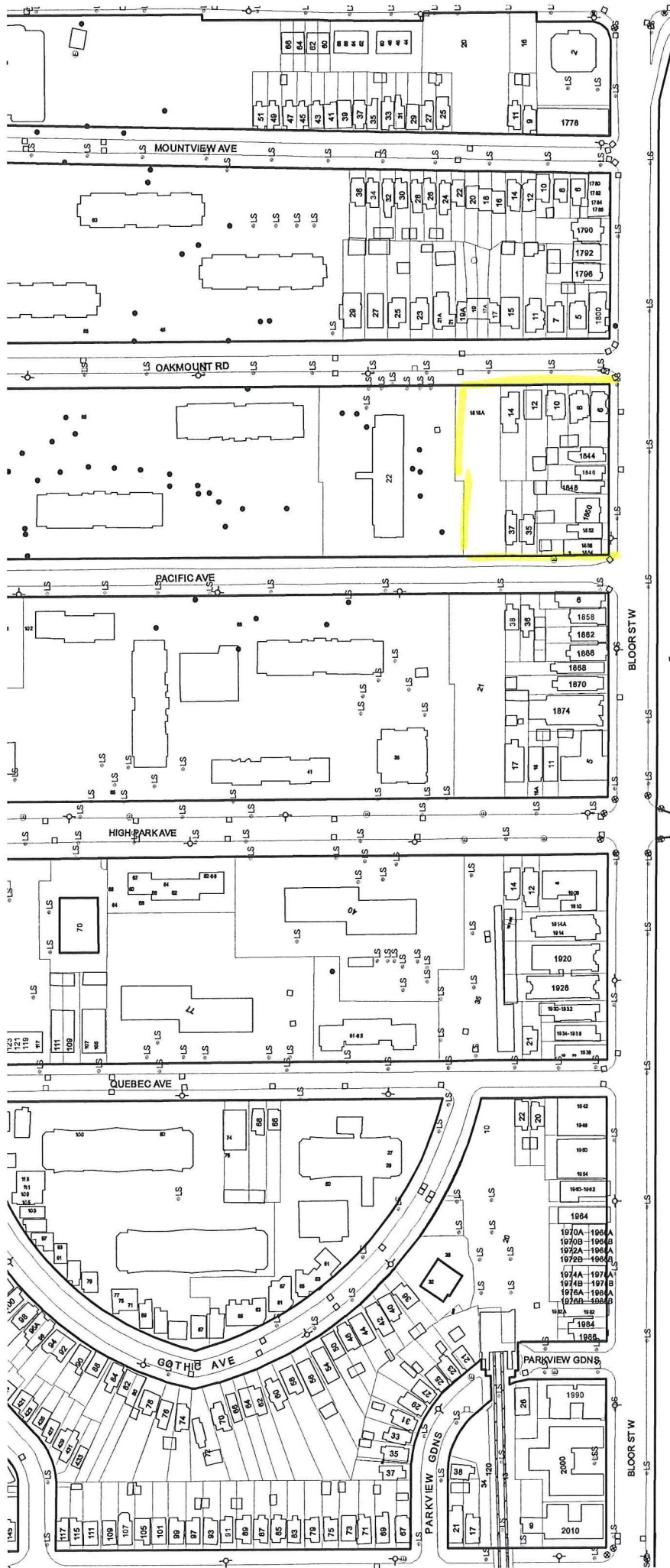
City Wide Zoning By-law

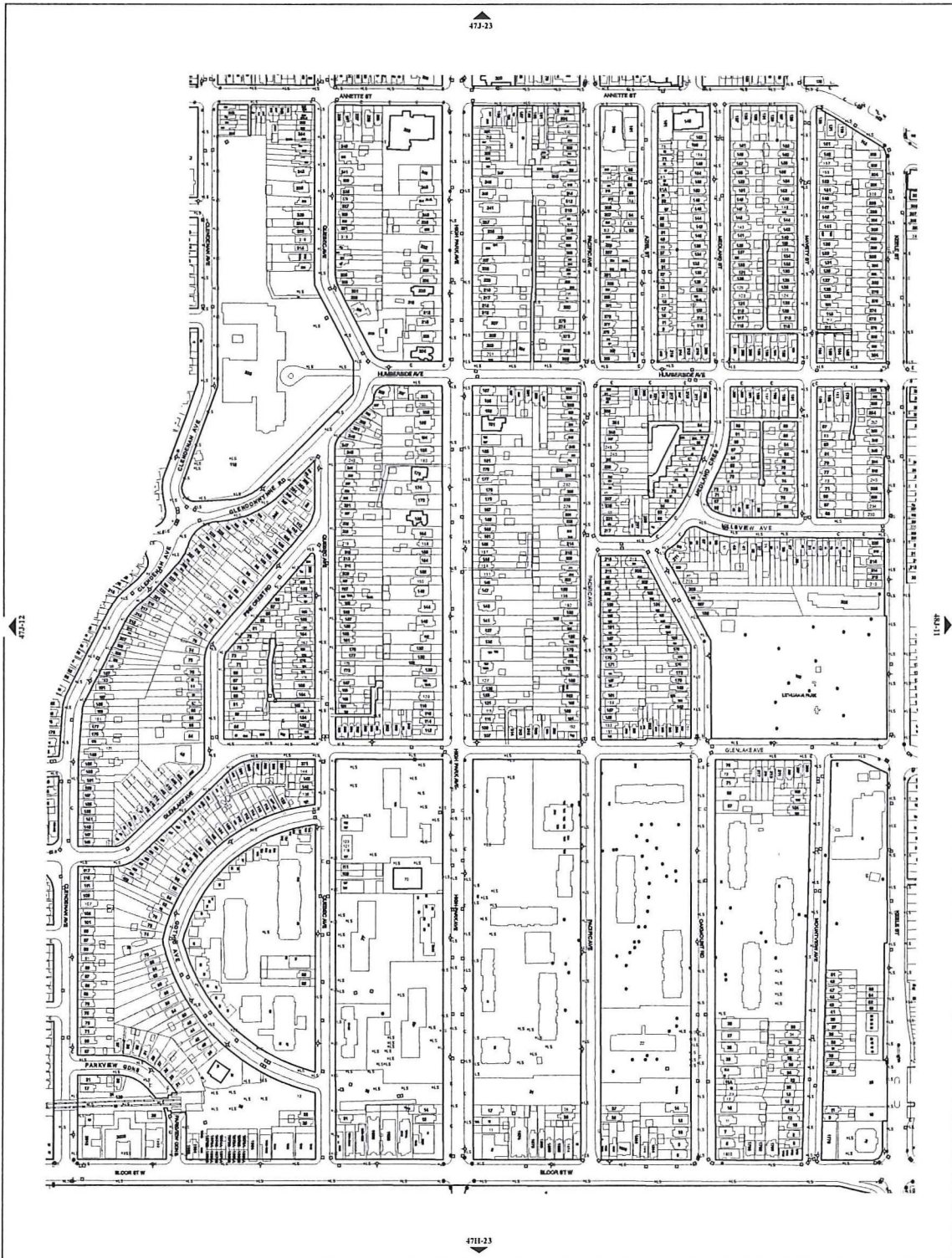
November 8, 2012
 Planning & Growth Management Committee

Maps must be read together with Zoning By-law text

- Zoning
- Property Boundary
- Railway
- Hydro Line
- River
- Map Sheet Boundary







GENERAL NOTES

THE INFORMATION SHOWN HAS BEEN COMPILED FOR GENERAL PLANNING PURPOSES ONLY. THIS IS NOT A PLAN OF SURVEY.

THE MAP DATA SHOWN HEREON HAS BEEN COMPILED FROM A NUMBER OF SOURCES BELIEVED TO BE RELIABLE. THE INFORMATION SHOWN HEREON IS BELIEVED TO BE UP-TO-DATE TO WITHIN 3 YEARS OF THE PRINT DATE SHOWN BELOW. THE MAP USER SHOULD TAKE THE REASONABLE STEPS TO VERIFY THE CORRECTNESS AND CURRENCY OF THE INFORMATION SHOWN HEREON.

NO ONE MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS MAP WITHOUT THE WRITTEN PERMISSION OF THE CITY OF TORONTO.

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SCALE 1:4000

REFER TO INDEX MAP FOR SOURCE DATA

PRINTED: DECEMBER 2011

LEGEND:

PUBLIC ROAD, LANE, WALKWAY LINE	---
NAMED PRIVATE ROAD, LANE, WALKWAY LINE	- - -
PROPERTY BOUNDARY	—
CURBS / EDGE OF PAVEMENT	—
UNPAVED ROAD / PATH	- - -
BRIDGE	—
RAILWAY TRACK	—
STREETCAR TRACKS (TTC)	—
BUILDING / GARAGE	—
HERITAGE BUILDING	—

MUNICIPAL NUMBERS CONFIRMED CONVENIENCE	52/62
WATER COURSE	—
DRAINAGE FEATURE / POND	—
CATCHBASIN	□
DOUBLE CATCHBASIN	□
FIRE HYDRANT	+
POLE (GENERAL)	+
TELEPHONE POLE	+
TRAFFIC LIGHT	+
LIGHT STANDARD	+
TRAFFIC AND LIGHT POLE	+
ELECTRIC POLE WITH OR WITHOUT TRANSFORMER	+

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Geospatial Competency Centre
18 D'Yas Rd
Toronto, ON, M3B 1V5
Phone: (416) 392-2506 Fax: (416) 392-3984
mapsales@toronto.ca

PROPERTY DATA MAP SERIES

Property Data Map Number: **47J-13**

AIRD & BERLIS LLP

Barristers and Solicitors

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October 10, 2012

87265

BY EMAIL

Merle MacDonald
Planning and Growth Management Committee
City of Toronto
City Hall, 10th Floor West Tower
100 Queen Street West
Toronto Ontario
M5H 2N2

Dear Ms. MacDonald:

**Re: Planning and Growth Management Committee Meeting October 12, 2012
Recommended Changes to Draft Citywide Zoning By-law
1844-1854 Bloor Street West, 6-14 Oakmount Road and 35 & 37 Pacific
Avenue, City of Toronto
ITEM: PG18.7**

Aird & Berlis LLP acts on behalf of W.J. Holdings Limited, Davhill Investments Limited and Car-Allan Investments Limited in respect of the above-noted properties located in the City of Toronto (the "subject lands"). The buildings occupy the north side of Bloor Street West between Oakmount Road and Pacific Avenue and along the east side of Pacific Avenue and the west side of Oakmount Road. A TTC subway right-of-way, which lies north of the site, is vacant. These TTC lands are the subject of a lease which was entered into in 1972 with our client as lessee.

Our clients appealed the now-repealed Zoning By-law 1156-2010 [Appeal # 88 – W.J. Holdings et al].

Then and now we were of the opinion that the proposed Zoning By-law does not reflect that the site was the subject of on-going litigation and should be excluded from the By-law in the category "Not Part of This By-law". Our concern remains that the new regulations and definitions (such as gross floor area, height, etc.) would have a negative impact on redevelopment considerations for this subway-related redevelopment site. In order to avoid conflicts between the current, new or pending approvals, we requested that the whole of the subject lands remain as an area "Not Part of This By-law" and continue to be governed by the former general Zoning By-law.

October 10, 2012

Page 2

We have reviewed the June 2012 version of the City's draft Zoning By-law and note that the properties are proposed to be included in the new document. Properties located at 12 & 14 Oakmount and located at 35 & 37 Pacific Avenue, and the TTC leased lands are proposed to be zoned R(d0.6)(x737). The properties located at 6-10 Oakmount Road and located at 1844 to 1854 Bloor Street West are proposed to be zoned R(f12.0;d2.0)(x7). The subject lands appear to be treated in the same manner in the new draft City-wide Zoning By-law as they were previously treated in By-law 1156-2010 which our clients appealed. Our clients continue to object to the inclusion of the subject lands within the proposed City-wide Zoning By-law at this time.

We repeat our request that the subject lands be identified as "Not Part of this By-law". We continue to be concerned with the need to protect our clients' property rights and planning and redevelopment approvals. We will continue to monitor the precision of the new draft Zoning By-law to determine and confirm that the lands are excluded from the new City-wide zoning initiative. We will await the revised version of the Zoning By-law which will be released prior to the Statutory Public Meeting anticipated now for 2013 and provide final comments on the form and content of the planning instruments presented for approval at that time.

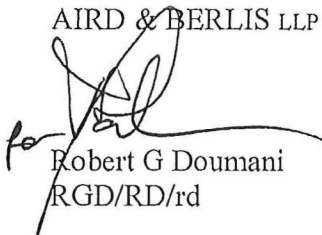
We also wish to point out that the current draft Zoning Maps need to be corrected to include within their legend annotations the category "Not Part of This By-law". At the present time this legend annotation is not included. Its omission is not consistent with regulation 1.5.7. (1) which indicates "This By-law applies to all the lands in the City of Toronto, except for those lands identified on the Zoning By-law Map in Section 990.1 as "Not Part of This By-law." This imprecision in the By-law could lead to future interpretation problems and ought to be corrected.

We are also relying upon the statement in proposed regulation 1.5.6 which indicates that "Nothing in this By-law repeals the provisions of the Former General Zoning By-laws."

We would welcome an opportunity to discuss our request with Staff.

Yours truly,

AIRD & BERLIS LLP


Robert G Doumani
/RGD/RD/rd

Discussed not read

- c. W.J. Holdings Limited, Davhill Investments Limited and Car-Allan Investments Limited
- c. Paul Stagl