



Fraser Milner Casgrain LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

MAIN 416 863 4511
FAX 416 863 4592

March 1, 2013

Mark A. Piel
mark.piel@fmc-law.com
DIRECT 416.863.4744
File No.: 243652-13

SENT VIA E-MAIL (pgmc@toronto.ca)

Planning and Growth Management Committee
City of Toronto
c/o City Clerk's Department
10th Floor, West Tower, City Hall
100 Queen St W
Toronto ON M5H 2N2

Attention: Committee Administrator

Dear Committee Members:

**Re: Planning and Growth Management Committee - Statutory Public Meeting on
March 6th, 2013 re City-wide Zoning By-law (Item PG21.1)
Submission on behalf of Tyndale University College & Seminary
3377 Bayview Avenue**

Please be advised that we are the solicitors for Tyndale University College & Seminary ("Tyndale"), the owner of the property municipally known as 3377 Bayview Avenue. Tyndale has monitored the process with respect to the proposed new City-wide Zoning By-law and wants to ensure that its existing zoning rights for this property are not negatively impacted in any way and that the property is appropriately zoned under the new Zoning By-law. Unfortunately, in reviewing the draft of the proposed new Zoning By-law, our client has not been able to determine with certainty that its existing zoning rights are fully protected and that those rights are not undermined by other proposed new provisions.

Tyndale is particularly concerned with the proposed "Transition" clauses of the new By-law. It is our understanding that the City will recognize land use variances to former general zoning by-laws for a period of three years after the adoption of the new Zoning By-law. After the third anniversary of the adoption of the new Zoning By-law only existing variances with respect to lawfully existing lots, buildings or structures will be recognized.

In 2008 the Committee of Adjustment granted a land use variance to Tyndale for 3377 Bayview Avenue. That variance was not appealed to the Ontario Municipal Board and is now final and binding. If it is not established before the third anniversary of the adoption of the proposed

Zoning By-law we will lose the permission granted under that approval which in effect creates a condition of approval which the Committee of Adjustment never imposed. We therefore cannot accept the proposed "Transition" clauses as currently drafted.

We are also concerned that the process of adoption for the proposed Zoning By-law does not permit us to know what its exact contents will be until after it's adopted by City Council. As you know, motions can be brought forward on the City Council floor to revise the proposed Zoning By-law before its adoption and the public will not have the opportunity to speak to those revisions.

Accordingly, please accept this letter as a request that the City ensure that all of our client's existing rights as provided for under the existing Zoning By-law (together with any related Committee of Adjustment variances) are not negatively impacted by the provisions of the new Zoning By-law. Until such time as our client is satisfied by the City that its existing zoning rights are not prejudiced in any way and that the property is appropriately zoned under the new Zoning By-law, our client objects to the adoption of the new Zoning By-law as it relates to this property.

If the City could provide us with confirmation that the new Zoning By-law does not make any changes whatsoever to the existing zoning rights of our client, then we would be pleased to review that information. However, until such time as that confirmation is received from the City, our client maintains its objection to the new Zoning By-law.

Kindly provide the writer with notice of all further actions with respect to this matter including Notice of Passing of the new Zoning By-law. In addition, kindly ensure that this written submission is forwarded to City Council for its consideration prior to the adoption of the new Zoning By-law.

Should you require anything further with respect to this matter, kindly contact the writer at your earliest convenience.

Yours very truly,
Fraser Milner Casgrain LLP



Mark A. Piel
MAP/ss

1380790_1|NATDOCS