



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 5, 2013

Jason Park
jason.park@fmc-law.com
DIRECT 416 863.4786
File No.: 527499-3, 6, 10, 12, 13, 14

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

PG21.1.246

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 The Goldman Group
651 Warden Avenue, 743 Warden Avenue and 37 Upton Road, 1001 Ellesmere
Road, 1051 Ellesmere Road, and 150-160 Borough Drive**

Please be advised that we are the solicitors for The Goldman Group, the beneficial owner of the properties municipally known as 651 Warden Avenue, 743 Warden Avenue and 37 Upton Road, 1001 Ellesmere Road and 1051 Ellesmere Road. In addition, our client is in the process of acquiring a portion of the 150-160 Borough Drive property (the parking facility at Borough Drive and Town Centre Court) from the City of Toronto (collectively referred to as the "Properties"). Our client has monitored the process with respect to the proposed new City-wide Zoning By-law and wants to ensure that its existing zoning rights with respect to the Properties are not impacted in any way. Unfortunately, in reviewing the draft of the proposed new 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.

BACKGROUND FOR PROPERTIES

With respect to 651 Warden Avenue, this project has largely been constructed in accordance with the site-specific zoning by-law but our client has retained ownership of a number of residential reserve blocks which will be developed in the future.

We have made a request that the City redesignate the properties known as 743 Warden Avenue and 37 Upton Road to Mixed Use Area, as part of the City's Five Year Official Plan Review/Municipal Comprehensive Review. If our client's request for redesignation is granted, our client will be submitting a rezoning application for these lands.

Our client is in the process of registering the plan of subdivision for the 1051 Ellesmere Road lands, and the project is currently under construction.

We have made a further request to the City to redesignate the lands known municipally as 1001 Ellesmere Road to Mixed Use Area, as part of the City's Five Year Official Plan Review/Municipal Comprehensive Review.

As noted above, our client is in the process of acquiring a portion of the lands municipally known as 150-160 Borough Drive (specifically, the parking facility at Borough Drive and Town Centre Court) and, if it is successful in doing so, our client will be filing a rezoning application for the development of these lands.

REQUEST FOR THE PROPERTIES

In light of the above, we would respectfully request that the Properties be excluded from the new Zoning By-law at this time and instead be identified as being "Not Part of this By-law" in the text and mapping, as has been done for other properties.

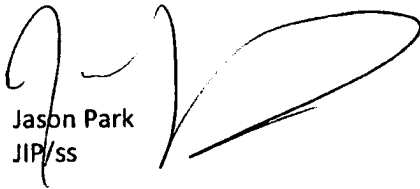
Accordingly, please accept this letter as a request that the City ensure that all of our client's existing zoning rights as provided for under the existing Zoning By-law (together with any related Committee of Adjustment variances) are not negatively impacted by the provisions of the new By-law. Until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

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 in respect of the Properties.

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


Jason Park
JIP/ss

c.c. The Goldman Group

1552912_1|NATDOCS