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VIA REGULAR MAIL and by E-MAIL

March 6, 2013

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

Attention: Frances Pritchard

Dear Ms. Pritchard:

Re: Request for Exemption by Fernbrook Homes (Widdicombe) Limited from Provisions of Proposed City Wide Zoning By-law as Applied to 4800 and 4780 Eglinton Avenue West

We act as counsel for Fernbrook Homes (Widdicombe) Homes Limited ("Fernbrook") which is the owner of lands located at the north-west and north-east corners of Eglinton Avenue West and Widdicombe Hill Boulevard in the former City of Etobicoke. The land located at the north-west corner of the said intersection is municipally known as 4800 Eglinton Avenue West; the land at the north-east corner of the intersection is known as 4780 Eglinton Avenue West.

We are writing to request that the City allow both of these parcels to be maintained under their current zoning as R4, within the former City of Etobicoke Zoning Code. This request would require that an exemption from the City's draft By-Law be provided. The basis for this request is set out below.

Both of these sites comprise vacant parcels of land that were formerly owned by the City of Toronto. In 2011, the City declared the parcels to be surplus to the City's requirements. Our client was the successful bidder for both parcels and acquired the properties in November, 2011 following a public tender process administered by Build Toronto.

Fernbrook purchased these vacant lands with the intention of proceeding with a comprehensive residential development of both parcels, to be implemented on a phased basis. Prior to acquisition, our client conducted its due diligence, which included several meetings with municipal staff to confirm matters such as zoning, applicable official plan policies, servicing and traffic. Our client subsequently purchased both parcels having been satisfied that the proposed type, form and density of residential development that they wished to implement were appropriate.

At the time of acquisition in 2011, the lands were designated Apartments Neighbourhoods and zoned Fourth Density Residential (R4) in the former City of Etobicoke Zoning Code. Subsequent to their acquisition of these lands, Fernbrook proceeded with their first phase of development on 4800 Eglinton Avenue West by obtaining minor variances from the Committee of Adjustment in June, 2012, to permit the construction of 126 residential dwelling units in seven, three-storey buildings on the parcel. A corresponding application for site plan approval involving this parcel has also been submitted to the City.

Our client is now preparing to proceed with the second phase of its development, involving 4870 Eglinton Avenue West. In reviewing this matter, our client is concerned with the impact that may result on its plans arising from the potential application of the City's proposed new Zoning By-Law to this property.

Under the City's draft Zoning By-Law, our client's phase one lands at 4800 Eglinton Avenue West have remained subject to the former R4 zoning within the former Etobicoke Zoning Code. However, the phase 2 lands at 4780 Eglinton Avenue West are shown under the draft By-Law as being zoned as part of a larger area as Residential Apartment (RA {x96}). This new zoning category offers a different set of development standards and a more limited range of residential uses than the R4 zoning within the Etobicoke Zoning Code that continues to apply to the phase 1 lands.

As noted above, our client acquired these properties with the intent of implementing a phased overall residential development. They are concerned that adoption of the draft By-Law as currently proposed would result in two sets of different zoning standards being applied as noted above. Our client wishes to avoid the potential for uncertainty and conflict that will result by having different zoning standards applied to each development phase. Fernbrook was careful to confirm what the applicable zoning standards would be as applied by the City prior to our client acquiring this site. Given their reliance on the information provided at that time, we are requesting on their behalf that the City treat both properties consistently by allowing both 4800 and 4780 Eglinton Avenue West to be maintained under the R4 zoning.

We also would request that on behalf of our client we be added to the circulation list of parties to be notified as the processing of the draft Zoning By-Law moves forward.

Yours truly,

**RITCHIE KETCHESON
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