

AIRD & BERLIS LLP

Barristers and Solicitors

Patrick J. Harrington
Direct: 416.865.3424
E-mail: pharrington@airdberlis.com

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November 29, 2013

BY EMAIL

File No. 115881

Planning and Growth Management Committee
c/o Nancy Martins (Secretariat)
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Committee Members,

**Re: Proposed Amendments to Zoning-By-law No. 569-2013
Emery Investments
300 Middlefield Road, Toronto**

Aird & Berlis LLP is counsel to Emery Investments ("Emery"), the owner of land municipally known as 300 Middlefield Road in the City of Toronto (the "Site"). The Site is located south of Finch Avenue, east of McCowan Avenue, to the immediate northwest of the CP Rail Line, in the former City of Scarborough.

Emery has received notice that the City is bringing forward a series of amendments to Zoning By-law No. 569-2013. These amendments include a list of properties to be removed from the ambit of Zoning By-law 569-2013, as well as corrections to zoning labels, wording, and references within Zoning By-law 569-2013.

Emery requests that the Site be removed from the ambit of Zoning By-law 569-2013 as part of the amendments now being brought forward. Zoning By-law 569-2013, which is presently under appeal by Emery and others, will not permit Places of Worship on "E" zoned lands. Despite the Site being presently zoned in a manner that would permit a Place of Worship, and despite Emery being in active discussions with a potential user, Zoning By-law 569-2013 proposes to zone the Site as "E0.7", which would remove Places of Worship as a permitted use.

The Site is worthy of consideration for exclusion from Zoning By-law 569-2013 at this time. City Staff have not justified the removal of Places of Worship as a permitted use of the Site, nor have staff turned their minds to whether the Site would present land use conflicts with adjacent industry were it to develop as a Place of Worship in the future. Given the lack of justification, we submit that the Site should be added to the list of sites being excluded from Zoning By-law 569-2013 as part of the zoning by-law amendments that are now being brought forward. Such exclusion would allow our client to move forward with its current potential user.

Please accept this written submission pursuant to subsection 34(10) of the *Planning Act*. Please also provide my office with notice of the passing of any amendments to Zoning By-law 569-2013. Representatives of my client are available to meet with City Staff to discuss this submission at your convenience.

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If you have any questions please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington

PJH/mk

cc: Keri Voumvakis, Acting Director, Strategic Initiatives, Policy and Analysis, City Planning
Toronto City Clerk
Patricia A. Foran, Aird & Berlis LLP
Client

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