

September 19, 2016

BY EMAIL

Mayor John Tory and Members of Council  
Toronto City Hall, 13<sup>th</sup> Floor, West Tower  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

**Attention: Ulli S. Watkiss, City Clerk**

Dear Mayor Tory and Members of Council:

**Re: TEYCC Agenda Item 18.7**  
**To Core: Updating Tall Building Setbacks in the Downtown – City**  
**Initiated Official Plan Amendment and Zoning By-law Amendments**

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Aird & Berlis LLP represents 456 Wellington Developments Inc., the owner of the lands known municipally as 456 Wellington Street West (the “site”).

The site was the subject of an application to the Committee of Adjustment (File Number A0728/07TEY), seeking approval for nine minor variances from City of Toronto Zoning By-law 438-86 in relation to the construction of an eight-storey residential building and a nine-storey residential building on the site. The minor variances sought were in relation to building setbacks, building location, building height, parking, driveway configuration and mechanical penthouse size. By its decision of October 8, 2008, the Committee of Adjustment approved all of the requested variances. Construction on the site has yet to commence however the proposed development has been designed to incorporate the minor variances which were approved by the Committee of Adjustment.

Requiring our client to comply with the proposed Official Plan Amendment (“OPA”) and Zoning By-law Amendments (“ZBLAs”) would effectively invalidate the Committee of Adjustment’s minor variance approvals. This would also force our client to have to completely redesign its development proposal – an expense which would be unreasonable for it to bear at this stage.

On behalf of our client, we request that the site be exempted from the City’s proposed ZBLAs and OPA with respect to “tall buildings” setbacks in the downtown area of the City.

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

Yours truly,

AIRD & BERLIS LLP

Eileen P. K. Costello  
EPKC/LD

c: 456 Wellington Developments Inc.

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