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June 13, 2016

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BY EMAIL

teycc@toronto.ca;Ellen Devlin
Administrator
Toronto and East York Community Council
Toronto City Hall, 2nd Floor, West Tower
100 Queen Street West
Toronto ON M5H 2N2

Dear Ms. Develin

**Re: Final Report –TOcore : Updating Tall Building Setbacks in the Downtown
City Initiated Official Plan Amendment and Zoning By-law Amendments
Item: TE17.14**

We act for Ferncastle (Esplanade) Inc., the owner of lands municipally known as **1 The Esplanade** (the “subject lands”).

Please accept this letter as our written submission pursuant to Section 34(19) of the *Planning Act*.

The subject lands are located within the Downtown Core at the southeast corner of Yonge Street and The Esplanade. The subject lands are governed by Official Plan Amendment 138 and Zoning By-law 438-86 as amended by site specific Zoning By-law 1498-2013 and Minor Variance Decision A0091/14TEY.

The subject lands are not regulated by By-law 569-2013.

The City initiated amendment to Zoning By-law 438-86 indicates:

“(5) None of the provisions of this exception 12(2)X shall apply to prevent the continued use of a tower constructed pursuant to a building permit issued prior to July 11, 2016”

It is our submission that this clause should include properties which are currently under construction pursuant to a conditional building permit as well as properties which are constructed pursuant to a final building permit.

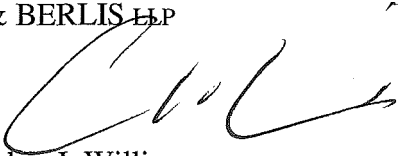
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In addition, in consideration of the history of planning approvals pertaining to the subject lands, Zoning By-law 1498-2013 should be included in the list of site specific by-laws which are excluded from the proposed city initiated Zoning Amendment to regulate the Tower Building setbacks.

Yours truly,

AIRD & BERLIS LLP



Christopher J. Williams

c. Ferncastle (Esplanade) Inc.

CJW/RD/rd

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