



## **MCKENZIE LAKE**

LAWYERS

Please send reply to: Donald S. Bryant  
bryant@mckenzielake.com  
Our File No. 70363

September 24, 2013

London Planning and Environment Committee  
The Corporation of the City of London  
300 Dufferin Street  
London, ON, N6A 4L9

Dear Chair and Members of the City of London Planning and Environment Committee:

**Re: Site Plan Approval Application by York Developments - 1103 Adelaide Street N., London.**

We are the solicitors for 2261531 Ontario Limited in connection with its site plan application for the above property. Based on Bruce Henry's opinion that the front yard of this property fronted Huron Street (not Adelaide), our client made application, under protest, to the Committee of Adjustment for side yard relief from 8 metres to 3.4 metres.

It is our opinion that the application to the Committee of Adjustment was unnecessary due to the fact that City Council had resolved on March 20, 2012, inter alia, to grant rear yard setback relief from 8 metres to 3.4 metres for the property. This resolution was predicated on Adelaide Street being the front yard of the property which is clear from the Council resolution.

Therefore, the Committee of Adjustment had no jurisdiction to hear the application for variance since City Council had already passed a by-law to this effect.

Furthermore, with respect, we contend that Mr. Henry's position is not tenable. The municipal address of the property is on Adelaide Street and the front entrance to the property is on Adelaide Street. The resolution of Council on March 20, 2012 clearly considered Adelaide Street to be the front yard.

Therefore, we request that the Committee take notice of and give effect to the prior resolution of Council.

Yours truly,

**McKenzie Lake Lawyers LLP**

  
Donald S. Bryant