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May 31, 2012

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Mayor and Members
City Council
Corporation of the City of London
c/o City Clerk
City Hall, 3rd Floor
300 Dufferin Avenue
London, ON N6A 4L9

Dear Sirs/Madams:

**Re: Re-Application for Subdivision Approval
by Kenmore Homes (London) Inc.
File 39T-08502
255 South Carriage Road, London**

I am the solicitor for Sydenham Investments Inc., the subdivider of land which abuts the land owned by Kenmore.

My client was required to construct, at its initial expense, a fully serviced collector road at the perimeter of its development. That road, now Coronation Drive, benefits the Kenmore land. Reports prepared by planning staff dated January 31, 2011, March 26, 2012 and May 28 2012, have recommended a cost recovery mechanism which permits Sydenham to recover the portion of the cost incurred by Sydenham which benefits Kenmore.

In the most recent report, staff recommended that the Approval Authority impose a condition requiring cost sharing, as follows:

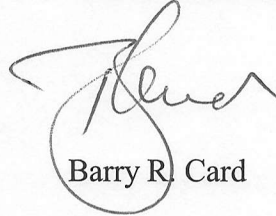
40. Prior to Final Approval of any phase, the Owner shall demonstrate to the Approval Authority's satisfaction that the Owner has compensated Sydenham Investments Inc. in the amount of \$111,987.28 which represents one half of the costs of the land and construction of South Carriage Road adjacent to lots 1, 158-161 inclusive and Street "C" adjacent to in this subdivision.

May 31, 2012

I have been advised that notwithstanding the staff recommendation and detailed rationale, proposed condition number 40 was deleted by the Planning and Environment Committee and that no substitute mechanism was added. The consequence to Sydenham from this action is that the cost which Sydenham has incurred in good faith at the urging of the municipality for the benefit of Kenmore, will be stranded.

Sydenham respectfully requests that the Council restore proposed condition 40 to the conditions of draft approval for the Kenmore land.

Yours very truly,



Barry R. Card

BRC:jmh

cc: **Sydenham Investments Inc.**