

PATTON CORMIER & ASSOCIATES

LAWYERS

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October 26, 2012
File No.: 32824
via email

The Corporation of the City of London
City Hall
300 Dufferin Avenue
London, ON N6A 4L9

Attention: **Mayor Fontana and Councillors**

Dear Mayor Fontana and Councillors:

Re: **1279154 Ontario Limited, 425 Wharnccliffe Road South, London**

We are the lawyers for 1279154 Ontario Limited (Ontario Addiction Treatment Centres "OATC") the owner of property municipally known as 425 Wharnccliffe Road South pursuant to an Agreement of Purchase and Sale.

425 Wharnccliffe Road South is designated Auto Oriented Commercial in the Official Plan and is zoned Highway Service Commercial HS2(4) permitting both Medical Office and Clinics.

Zoning By-law Z-1 defines Medical Office as:

"OFFICE, MEDICAL/DENTAL" means an office or offices in which the practice of the professions of medicine, psychiatry, dentistry or optometry is carried on or in which the treatment by osteopathy or chiropractic is carried out but does not include a CLINIC, METHADONE.

A Clinic is defined as:

"CLINIC" means a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation or operating rooms and does not include a CLINIC, METHADONE.

OATC operates Medical Offices and Clinics throughout the Province of Ontario in which methadone is used as a treatment for addiction to opiates including oxycontin and for the relief of chronic pain.

Zoning By-laws, including City of London By-law Z-1, do not limit the number of patients that can be seen in a Medical Office or Clinic in one day. Also, Zoning By-laws, including London's By-law, do not limit the number of prescriptions that can be dispensed in a Medical Office, Clinic or a pharmacy in one day.

The City of London Planning Department now says that a Zoning By-law, as a measure of "intensity", can limit "dispensing methadone to no more than 200 clients per day".

The justification for this is lacking, the reasoning is flawed and thus the result is wrong. Council must answer this question: "Is the 201st person seeking methadone as treatment for opiate addiction as a result of a motor vehicle accident, sports injury, work place injury, or other chronic pain be told "sorry, come back tomorrow"?"

The facts surrounding this Zoning Application are clear and straight forward.

The City's Interim Control By-law on "methadone clinics" was passed in 2010. This Interim Control By-law resulted from incorrect information and a flawed understanding of the number of methadone clinics in London in 2010 and the use of methadone for pain relief. The background information provided to City Staff as a justification for the Interim Control By-law was there was one "methadone" clinic in the City of London. As Council knows, there were four other such Medical Clinics prescribing methadone as part of patient treatment. These clinics are located throughout the City.

After a year and half, in June 2012, Council debated, deliberated on, and passed a Zoning By-law with clear locational criteria and with no restriction on the number of persons a clinic or a pharmacy could dispense methadone to in a day.

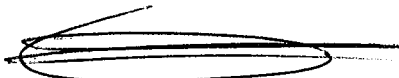
With this Zoning By-law in effect, OATC, experienced in medical clinics using methadone as a part of treatment for addiction, studied sites in London and relying upon the City's By-law entered into an Agreement of Purchase and Sale for the acquisition of 425 Wharncliffe Road South.

The Ontario Addiction Treatment Centre requests that on October 30, 2012 Council pass the Zoning By-law Amendment prepared by the Planning Department, deleting only the provision "dispensing methadone to no more than 200 clients per day".

Yours truly

PATTON CORMIER & ASSOCIATES

per:



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cc: City Clerk - via email
Client- via email