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2013-LO1

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BY E-MAIL

February 25, 2013
File No.: 129002.1002

City of London
300 Dufferin Avenue
P.O. Box 5035
London, ON N6A 4L9

Attention: City Clerk

City Clerk

No. 0567

Subject Re: 2825 Tokala Trail
OPA/ZBA - PL110251
APPEAL TO OMB - OPA

FEB 25 2013

546/02-8115
Ref. J. Wethercott

C.C. Jase Saunders

Ref to: JN JP CS

SCANNED

(M)

Dear Sirs/Mesdames:

Re: 2825 Tokala Trail
Proposed Official Plan Amendment and Zoning By-law Amendment
File OZ-8115 (the "Application")

We are the solicitors for York Developments who is currently involved in the Ontario Municipal Board (the "OMB") hearing of Case No. PL110251 with respect to the appeal of Zoning By-law No. Z.-111977 by Loblaw Properties Limited, Auburn Developments, FCHT Holdings (Ontario) Corporation, Barvest Realty Limited and Sunningdale Developments Inc. (the "Appellants").

OMB Case No. PL110251 deals with a proposed supermarket to be located at 1761 Wonderland Road North. The Appellants have also recently appealed Official Plan Amendment No. 546 ("OPA No. 546") on February 15, 2013 and OPA No. 546 is expected to be consolidated with OMB Case No. PL110251. We expect that the hearing of OMB Case No. PL110251 will be completed by February 28, 2013 but do not know when a decision may be released.

2825 Tokala Trail, owned by Auburn Developments (one of the Appellants), is located in close proximity to 1761 Wonderland Road North. The Application proposes commercial uses that permit a similar size food store as has been approved by London City Council through official plan amendment and zoning by-law amendment approvals for 1761 Wonderland Road North.

Since the Appellants, including Auburn Developments, have requested the OMB to review the matter of commercial node hierarchies under the Official Plan in the north City of London area, we believe any decision on the Auburn Application is premature until the OMB decision on the York Developments food store at 1761

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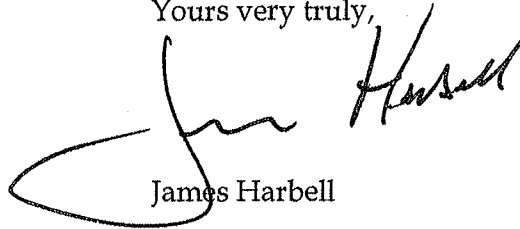
LONDON

SYDNEY

Wonderland Road North has been released. Therefore, we request the Planning & Environment Committee and City Council to not render any decision with respect to Application until there has been a final decision in Case No. PL110251. The OMB's decision in Case No. PL110251 may be relevant to the interpretation of the intent of the Official Plan commercial hierarchy within the north City of London area.

We also request to receive notification of any decision with respect to the Application. We trust that you will find the above to be of assistance in your consideration of this matter. We would be pleased to discuss any of the above further with City staff. Should you have any questions or require any further information, please contact the undersigned.

Yours very truly,

A handwritten signature in black ink, appearing to read "James Harbell", written over a large, stylized oval flourish.

James Harbell

JWH/mc

cc:

Alan Patton, solicitor for the Appellants
Michelle Doornbosch, Zelinka Priamo
Stephen Stapleton, Auburn Developments
Ali Soufan, York Developments