
AIRD & BERLIS LLP

Barristers and Solicitors

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June 24, 2013

**BY EMAIL: csaunder@london.ca
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Catharine Saunders
Clerk
City of London
P.O. Box 5035
City Hall, 300 Dufferin Avenue
London, ON N6A 4L9

Heather Lysynski
Secretary
Planning and Environment Committee
204-206 Dundas Street
Former Capitol Theatre

Dear Ms. Saunders and Ms. Lysynski:

**Re: Application by: Sifton Properties Limited (“Sifton”)
City of London File No: 0Z-8087
1311, 1363 and 1451 Wharncliffe Road South**

As you know, we are the solicitors for Sifton with respect to the above-referenced matter. I am writing further to our attendance before Planning and Environment Committee (“PEC”) on June 20, 2013 to confirm the recommendation of PEC is accurately reflected in the Minutes and in the resolution placed before Council for consideration on June 25, 2013. Should you have any questions with respect to this correspondence please do not hesitate to contact me at your convenience.

Recommendation of PEC

At its meeting of June 20, 2013, PEC approved Appendix A and Appendix B to the Staff Report of March 19, 2013. In order to effect this decision, consequential changes were required to the recommendation of March 19, 2013. To ensure that the recommendation forwarded to Council accurately reflects the results of the PEC meeting, I am attaching a blacklined version of the appropriate resolution, together with a clean copy, for your assistance. I would appreciate confirmation that the Minutes of the PEC meeting reflect the foregoing.

Opinion with respect to reconsideration

I provided PEC with my professional opinion concerning whether approval of the above-referenced applications constituted a reconsideration of Council’s position with respect to Official Plan Amendment 541 (“OPA 541”), which amendment adopted a secondary plan for the southwest area of London. In my opinion, the approval of the above-referenced application as an amendment to

June 24, 2013

Page 2

the in force Official Plan for the City of London and the corresponding Zoning By-law do not constitute a reconsideration of OPA 541 for the following reasons:

1. Prior to the adoption of OPA 541, the Sifton lands were designated "Auto-Oriented Commercial Corridor" and "Multi-family, High Density Residential" on Schedule A to the City of London Official Plan – Land Use;
2. During the process leading up to the adoption of OPA 541, Sifton met with planning staff with respect to the above-referenced applications. In the course of this pre-consultation process, Sifton discussed with planning staff a possibility of redesignating its lands through the OPA 541 process. Staff suggested, and Sifton agreed, that the OPA 541 process would proceed on a separate track from the above-referenced applications and that Sifton would proceed to file its applications and have those applications considered on their merits. This agreement between Sifton and staff was confirmed by staff at yesterday's PEC meeting;
3. As a result of the foregoing, the existing designations applicable to the Sifton property were merely carried forward in OPA 541. Therefore, there was no consideration of the designations on the Sifton lands as a result of OPA 541. By logical extension then, there can be no reconsideration of a matter that was not considered in the first place.

For these reasons, the approval of the above-referenced applications do not constitute a reconsideration of OPA 541.

This correspondence is being copied to all members of Council for their consideration and to the City solicitor.

Again, should you have any questions with respect to the foregoing, please do not hesitate to contact me. Your cooperation with respect to the foregoing is very much appreciated.

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem

SAZ/sw

cc. Mayor and Members of Council
Sifton Properties Limited
Janice Page, City of London

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