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Our File No.: 089442.00001

January 27, 2020

VIA EMAIL

City of Burlington
Burlington City Council
426 Brant Street, P.O. Box 5013
Burlington, ON
L7R 3Z6

Attention: Mayor Meed Ward and Members of Council
c/o Angela Morgan, City Clerk

Dear Sirs / Mesdames:

**Re: Interim Control By-law Land Use Study and Proposed Zoning By-law Amendments
(Report PL-01-20)
2025 Maria Street "The Berkeley"**

We act on behalf of Carriage Gate Berkeley Inc. with respect to the above noted matter and are writing further to Council's consideration of the Interim Control By-law ("ICBL") Land Use Study and the proposed zoning by-law amendments detailed in Report PL-01-20 (the "Report").

Interim Control By-law Should be Repealed With Respect to Those Lands to Which the Proposed ZBL Amendments Do Not Apply

At the time that the ICBL was approved, it was done so with the intent to give the City time to complete the ICBL Land Use Study and to propose any updates to the Official Plan or zoning by-laws. The Report, and the Special Council meeting on January 30, represents the culmination of this process.

As you are likely aware, should Council choose to adopt the proposed zoning by-law amendments then such amendments will be subject to appeal to the Local Planning Appeal Tribunal ("LPAT"). Should any landowner choose to make such an appeal, the result would be the continuation of the ICBL until resolution of such appeal.

In this regard, it is important to note that the proposed zoning by-law amendments apply to only a part of the area that was subject to the ICBL. As such, if a landowner who is affected by the proposed zoning by-law were to appeal, then even landowners who were not affected by such zoning by-law would be impacted by the automatic extension of the ICBL, even though the result of the ICBL Land Use Study are zoning changes that do not even apply to these other lands. This would, in turn, force those landowners

who did not appeal nor have the zoning changes apply to their lands, to have to engage in the LPAT appeals.

Obviously, this result is not in anyone's interest and would clearly defeat the intention of the ICBL itself, which was to provide for the opportunity to complete the study and implement the results of same (with such results being no change to the zoning of most properties).

So as to avoid such an absurd result, and to implement the intent of the ICBL, our client requests that the City reduce the area covered by the ICBL so that such area aligns with the area of the proposed zoning amendment. This action is clearly consistent with the result of the City's own ICBL Land Use Study and will avoid unnecessary adjudication by landowners who are within the ICBL area but do not fall within those lands to which the proposed zoning will apply.

In the alternative, the City could amend the ICBL to include an additional exemption, either to apply to properties on a site specific basis (in which case our client's property should be included), or to apply more generally to any property that already benefits from a site specific zoning by-law.

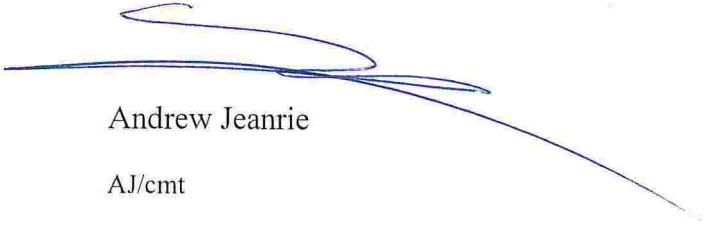
We ask that we be included on the mailing list to receive copies of all notices, meetings and decisions respecting the ICBL and the proposed zoning by-law and Official Plan amendments.

Please feel free to contact the undersigned if there are any questions or you would like to discuss this matter further.

Regards,

BENNETT JONES LLP

Per:



Andrew Jeanrie

AJ/cmt

