



January 11, 2010

Land Registrar
20 Dundas Street West, Suite 420
Toronto, Ontario M5G 2C2

c/o Bratty and Partners, LLP
Barristers and Solicitors
7501 Keele Street, Suite 200
Vaughan, Ontario L4K 1Y2
Attention: Paul Merrick

STATEMENT OF OBJECTION

**Re: Lot 103, Plan 1478 (PIN 07612 – 0131)
Application by John Zanini registered as instrument # AQT2251251
OMB File Numbers PL090404 and PL090405
City of Toronto File #s 08 192870 WET 06 OZ and 08 192900 WET 06 SA**

My name is Brian Bailey.

I have been a resident of 6 Meaford Avenue, Toronto, Ontario M8V 2H5 for the past 14 years. I am objecting to the Notice of Application for Absolute Title, registered on title to PIN 07612-0131 as Instrument No. AQT2251251 as the President of Citizens Concerned About the Future of the Etobicoke Waterfront.

Citizens Concerned About the Future of the Etobicoke Waterfront (CCFEW) is an incorporated community group of volunteers set up in 1989 to ensure the Etobicoke Waterfront is appropriately developed. CCFEW made a submission in June 2009 the on proposed Official Plan and Zoning changes File # 08 192870 WET 06 OZ and 08 192900 WET 06 SA. We are a participant at the Ontario Municipal Board (OMB) hearing on OMB file numbers PL090404 & PL090405. This hearing was adjourned until title to the property could be established.

Title was questioned at the OMB hearing due to a significant discrepancy between the 1909 survey and the 2006 survey of the property. The discrepancy arises from a change in the Lake Ontario shoreline. This suggests that a significant amount of

lake filling has occurred since 1909. There has been no clear evidence presented to date establishing who filled the lake, when it was done, or by whom it was done. It is our contention however, that since the lake bed was publicly owned, the filled land created above it is also public.

We see two likely scenarios of how this lake filling occurred:

1. The lake was filled by an owner of 51 Lake Shore Drive. This would be illegal and therefore the current owner should not be given title.
2. The lake was filled by the municipality or a government agency in response to an erosion event. If a public body of water was filled at public expense, there is no reason to believe that the resulting land should not also be public.

It is CCFEW's position that public access to and ownership of the waterfront should be promoted wherever possible. In this instance, where there is strong evidence to support the contention that it is already in the public realm, it should not be allowed to slip into private ownership. Experience has shown that acquiring public ownership of the waterfront is costly and time consuming. We strongly urge you to reject this application for absolute title.

Sincerely,



Brian Bailey
President,
Citizens Concerned About the Future of the Etobicoke Waterfront (CCFEW)
6 Meaford Avenue,
Toronto, ON M8V 2H5
416-288-3060 Ext.5450 (days)
416-253-9811 (evenings)
brian@ccfew.org

Signed before me on
the 12th day of January,
2010, at Toronto, ON,
after having confirmed
the signor's identity.

