



June 18, 2014

via email: pgmc@toronto.ca

Planning and Growth Management Committee
c/o Nancy Martins, Administrator
City of Toronto
100 Queen Street West
10th Floor West
Toronto, ON M5H 2N2

sleisk@casselsbrock.com

tel: 416.869.5411

fax: 416.640.3218

file: 8156-2517

Dear Members of Planning and Growth Management Committee:

**Re: Official Plan Policies for Implementing a Development Permit System
Official Plan Amendment No. 258
Agenda Item: PG34.4**

We are the lawyers for Canadian Tire Real Estate Limited ("CTREL"). CTREL has extensive land holdings in the City of Toronto, both freehold and leasehold, that could potentially be impacted by the adoption of a Development Permit System ("DPS") in the City under the proposed Amendment No. 258 to the Official Plan of the City of Toronto (the "OPA").

While CTREL is supportive of any means of achieving greater certainty in planning and a more efficient approvals process, it is not clear that adopting the OPA will provide these benefits. There is a lack of clarity in the OPA that makes a full assessment on the merits difficult. CTREL has concerns with the form and content of the OPA presented by staff for implementing a DPS in the City. CTREL's concerns with the OPA include, but are not limited to:

- There is a lack of clarity in the operational aspects of the DPS as contained in the OPA. These can only be fully assessed once the applicable DPS area is identified and a development permit by-law is drafted. By Staff's own admission in the final report to which the OPA is attached, creating the initial development permit by-laws will be "challenging" because of a lack of a familiarity and testing of such by-laws.
- A DPS should be tested in at least one smaller "pilot" area prior to the proposed adoption on a City-wide basis. DPS is a relatively untested policy (as described above) and has never been implemented in a major urban area in Ontario. A better understanding of the impacts of a DPS is needed before such a sweeping change is considered.
- The areas that will be subject to a development permit by-law should be clearly identified prior to adoption by Council. While the staff report states that four areas are being initially considered, further delineation and studies of these areas should occur before a city-wide official plan amendment is adopted. The full impact of the OPA on CTREL's properties and operations cannot be adequately assessed without knowing the areas that will be affected.



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- There is a lack of clarity as to how areas subject to a development permit by-law will be transitioned from the existing zoning by-law. The OPA should address transition matters, including its impact on existing approvals and active applications.

CTREL intends to closely monitor the City's progress in developing and implementing a DPS and intends to involve itself in consultation and further discussions if necessary.

Please provide us with written notice of any and all future decisions and proceedings respecting this matter.

Yours truly,

Cassels Brock & Blackwell LLP

Signe Leisk

SL/PM

cc: Client