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SENT VIA EMAIL

Planning and Growth Management Committee

City of Toronto
10th Floor, West Tower
City Hall
100 Queen St W
Toronto ON M5H 2N2

Dear Chair Shiner and Members of Committee:

Re: PG5.13 - Electronic and Illuminated Sign Study and Recommendations for Amendments to Chapter 694

We are the lawyers for Clear Channel Outdoor Company Canada.

We write in respect of Agenda item No. PG5.13, which will be discussed at the Planning and Growth Committee meeting on June 18, 2015. We understand that notice of this item and an entire draft by-law revision was only provided seven days before the meeting. It is unfathomable that anyone could provide full submissions on the gravity and depth of the staff report to be discussed in that timeframe, not to mention reviewing and commenting on the impact of 35 pages of by-law amendments. We mean no disrespect, but democracy demands more notice and opportunity than that being afforded in this instance.

Our client is concerned that the staff recommendations are wholly one-sided. The billboard industry is a legitimate business that needs to operate under a consistent and reasonably-predictable regulatory regime. We understand that the proposals to reduce the lighting intensity and setback essentially function as an outright ban on electronic billboards. It is not apparent to us that legitimate business interests of the industry have been taken into consideration. What appears to be a back-door ban on electronic billboards is especially troublesome when we understand that this same staff department recently requested the power to force retroactive changes on otherwise lawfully erected

signs by asking that the legislative protections afforded to signs contained within the *City of Toronto Act, 2006* be revoked. Coupled with the proposals for which staff is seeking approval on June 18th, staff appears to be seeking the power to not only ban future signs and by forcing retroactive changes, all of which seeks no other real purpose but to completely undermine an otherwise legitimate business.

While the staff report before the Planning and Growth Committee refers to industry and community consultations, what is wholly missing in the report is any apparent consideration or discussion about the impact of these proposals on the legitimate financial interests of the industry. We note a recent decision of Justice Stinson of the Ontario Superior Court of Justice required City Council to consider the financial interests of parties when their rights are in play. This appears not to have occurred in the circumstances.

Our client requires time to address the issues. For example, how is it that electronic billboards on the Exhibition Place grounds would still be able to operate at pre-amendment levels and not elsewhere? There is already a large sign beside BMO field and another being built that face Liberty Village directly. How is permitting these signs to operate outside of the by-law fair? The proposals also seem to set arbitrary time limits on when billboards can be illuminated rather than on actual ambient light. Also concerning are the random distances chosen between sign locations. While the staff report speaks to these distances, in the limited time since notice was posted, we are having difficulties to see rational connections to the technical reports also submitted to the Committee.

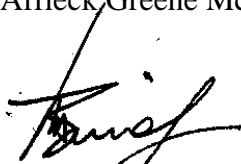
All of this to say that our client clearly needs more time in which to respond to these wholesale changes. In what appears to us to be the complete absence of staff having considered the impact of these changes on the industry, as the court has said is required, our client will have to do so by retaining outside assistance. If staff are permitted to justify their recommendations, then our client should be permitted to refute them in an orderly manner. One week in which to do so is simply not enough and is clearly unreasonable to have expected any sort of considered response in that time frame. If this matter proceeds without our client's right to be heard being respected, then our client will have no choice but to seek to uphold this and other rights to fairness and due process in the courts.

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Our client looks forward to a proper opportunity in which to make submissions.

Sincerely,
Affleck Greene McMurtry LLP



Michael Binetti
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