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May 18, 2018

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**VIA EMAIL(CLERK@TORONTO.CA)**

Mayor and Members of Council  
c/o City Clerk's Office  
13th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ms. Ulli S. Watkiss, City Clerk**

Dear Mayor Tory and Members of Council:

**Re: TOcore: Downtown Plan Official Plan Amendment (the "TOcore OPA")  
City of Toronto Council Meeting of May 23, 2018  
Agenda Item PG29.4  
Submission by Art Gallery of Ontario ("AGO")**

We are the solicitors for The Art Gallery of Ontario ("AGO"), the owner of a number of properties located within the affected area of the proposed TOcore OPA. It is our understanding that the Planning and Growth Management Committee considered and adopted the planning staff report containing the latest version of the draft TOcore OPA dated April 17, 2018 (the "Staff Report") with amendments at its special public meeting on May 1, 2018 and the matter will be considered by City Council on May 22, 2018. The AGO has a number of concerns regarding the proposed TOcore OPA. On behalf of AGO, we hereby submit those concerns as set out below.

### **Lack of Consultation**

The draft TOcore OPA was only made available to the public as part of the Staff Report on April 17, 2018, two weeks before the special public meeting of the Planning and Growth Management Committee meeting on May 1, 2018. In addition, the statutory open house in respect of the TOcore OPA was scheduled on April 23, 2018, just over a week before the special public meeting. AGO and other members of the public were not given an opportunity to properly review the TOcore OPA materials and to have a meaningful consultation with the City staff on the matter. In this regard, we urge City Council to defer the consideration of the TOcore OPA at its meeting on May 22, 2018 in order to allow more time for members of the public to conduct a more comprehensive review of the proposed TOcore OPA and provide meaningful input in respect of the matter.

### **Lack of Flexibility**

Greater flexibility should be provided in consideration of viability of spaces, and site and area specific needs and constraints in order to achieve good planning in the *Downtown* are.

### Appeal Related Considerations

In the Staff Report, the TOcore OPA is being positioned as a conformity exercise to the Growth Plan, 2017, which would require approval from the Minister of Municipal Affairs under Section 26 of the *Planning Act*. Given the passing of Bill 139, such approach will significantly limit the appeal rights of our client and many other landowners within the *Downtown* area. In addition, it is our submission that a provincial conformity exercise should be carried out in a comprehensive manner and on a city-wide basis. As such, we respectfully request that the City reconsiders its position to make the TOcore OPA a Section 26 amendment.

It should be noted that while we have attempted to raise all of AGO's concerns in this letter, the issues set out above is not an exhaustive list. We may have additional comments once a more detailed review of the TOcore OPA materials can be completed. In addition, we request to be provided notice of any future reports, upcoming meetings of City Council or Committees of Council, and decisions of City Council or Committees of Council in respect of this matter.

If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours very truly,

MILLER THOMSON LLP

Per:



Tara L. Piurko  
Partner  
IQ/

Encl.

c. Art Gallery of Ontario

