

Chair Krystyn Wong-Tam  
2018

Monday January 15,

Toronto East York Community Council

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Councillor Wong-Tam and Members of the Toronto East York Community Council

Re Agenda **(10:30 AM)** The Area Generally Bounded by Bathurst Street, Blue Jays Way, Front  
Item **TE29.15** Street West and the Northern Linear Park including 433 Front Street West - Official  
Plan Amendment Application - Refusal Report (Ward 20)

I am writing to you on behalf of The Toronto Terminals Railway Co. Ltd (hereinafter "TTR") and Canadian National Railway Company (hereinafter "CN").

TTR and CN have entered into an agreement with Craft Acquisitions Corporation (hereinafter "Craft") and P.I.T.S. Developments Inc. (P.I.T.S.) to sell their development rights and property strata over, under and within that portion of the Union Station Rail Corridor (USRC) roughly bounded by Blue Jays Way (on the east), Bathurst Street (on the west), Front Street (on the north) and Ice Boat Terrace (on the south) (the "Property").

Pursuant to its agreement with Craft and P.I.T.S., CN and TTR consented to P.I.T.S. filing the above referenced Official Plan Amendment application to permit Mixed Use high density development within the Property.

TTR and CN own 100% of all property rights above 27 feet above the top of the rail of the track in the USRC (including the former CN High Line Rail Corridor and Bathurst North Yard) and own in perpetuity rights to lands beneath the 27 foot horizontal to identify locations for and to construct and maintain, on the surface, subsurface and through the 27 feet of the corridor permanent facilities, columns, subsurface structures, and utilities as may be required to support any building/construction that TTR or CN may wish to create permanently or temporarily above the 27 foot horizontal boundary.

TTR and CN USRC Property Strata were created as a result of the sales of the USRC by TTR in 2000 to GO Transit and the High Line rail corridor and Bathurst North Yard by CN to Metrolinx in 2010 and 2001 with these rights being **expressly retained** by CN and TTR **for the purpose of future development of buildings and structures** within and above the USRC and former CN High Line rail corridor and Bathurst North Yard.

The OPA application seeks to develop the northern portion of the CN and TTR Property Strata for a mixed-use, high-density development and provides the opportunity for open space (including a public park) on the southern portion. The private OPA provides the City with an opportunity to create a public park on approximately half of the railway corridor.

The within application conforms to the City's own in-force Official Plan (including certain secondary plans being the Railway East Secondary Plan, the Railway Central Secondary Plan and the Railway West Secondary Plan) which contemplate decking over and development of the USRC. Those secondary plans provide a process by which the private owners of the strata over the USRC would file site-specific development applications (including Official Plan Amendments) which would provide additional policy basis for the decking over and development of the USRC.

The City approved OPA 395 in December , 2017. OPA 395 does not permit any of the residential or non-residential buildings proposed by the within OPA application. TTR and CN have appealed OPA 395 to the Ontario Municipal Board. A copy of the Notice of Appeal is attached.

Please acknowledge receipt of this communication in writing and provide the author with notice of any further public meetings concerning this application or any appeals.



George Huggins

Toronto Terminals Railway Co. Ltd

Canadian National Railway Company

Craft Acquisitions Corporation and P.I.T.S. Developments Inc.

Councillor Joe Cressy