



Bennett Jones

TE8.13.9
Bennett Jones LLP
3400 One First Canadian Place, P.O. Box 130
Toronto, Ontario, M5X 1A4 Canada
T: 416.863.1200
F: 416.863.1716

Andrew L. Jeanrie
Partner
Direct Line: 416.777.4814
e-mail: jeanriea@bennettjones.com
Our File No.: 057755.00007

October 3, 2019

Via E-Mail (councilmeeting@toronto.ca)

Your Worship, Mayor John Tory and Members of
City of Toronto Council

Attention:
City Clerk Secretariat
c/o Marilyn Toft
12th Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Mayor and Members of Council:

**Re: Statutory Public Meeting
City Initiated Amendments of Zoning By-law 569-2013 (the "Port Lands By-laws")
Agenda Item TE8.13
Port Lands Zoning Review Study - Final Report**

We are the solicitors for the Toronto Port Authority (operating as "**PortsToronto**").

As you know, PortsToronto is a federal government business enterprise governed by the Canada Marine Act and Letters Patents issued by the federal Minister of Transport, which works to ensure that Toronto Harbour is safe for boaters and visitors, and to protect the environment in the Harbour. In addition, PortsToronto is the owner and operator of the Marine Terminal property at 8 Unwin Ave., as well as the Outer Harbour Marina, Billy Bishop Airport and other properties. PortsToronto not only owns lands that it operates within the Port Lands, but also leases lands to others for their "port related" businesses. Lastly, PortsToronto has jurisdiction over port operations, which include the Marine Terminal, as well as other users of the port (referred to herein as the "**Port**"). As such, the details of the Port Lands By-laws are critically important to the success of the working Port into the future.

Proposed Changes to Port Lands By-laws

The purpose of this letter is to provide our client's comment with respect to the four (4) proposed changes to the Port Lands By-laws that are before City Council for adoption. Our client has been working closely with City staff while the Port Lands By-laws have been moving forward towards adoption. The purpose of this letter is twofold. The first is to thank City staff for recognizing three of our client's concerns as expressed in their letter of September 16, 2019 (forming part of the Council package) by:

- a) removing the "Day Nursery" use permission from the Maritime Hub zoning by-law amendment;
- b) clarifying the Open Storage regulations;
- c) removing post secondary school as a permitted use.

Concern With Addition of Use into the Maritime Hub

Our client cannot support the proposed addition of "recreational boating use and public wharves" into the Maritime Hub area. The permitted uses along the dockwall are of critical importance to our client whose purpose includes ensuring the safe and successful operation of the Port.

While we acknowledge that RCYC has a temporary dock and facility today at 130-150 Cherry Street (west of the Ship Channel bridge), this is a historic issue which is sanctioned by our client's sub-lease of the property to RCYC. This use is also temporary in nature as it can be removed when RCYC's sub-lease expires or is terminated in accordance with its terms. While our client is not asking that the existing use be removed at this time, they object to it being entrenched into the zoning by-law. This use should expire with the existing user. Our client is happy to work with City staff to craft acceptable provisions to account for this, but cannot support the use continuing after RCYC vacates the lands. These permissions should in no way be added to the lands east of the Ship Channel bridge. The Ship Channel is a vital transportation spine for marine cargo which needs to be protected and enhanced to ensure the proper functioning of the Port.


Request to Defer Decision to Next Meeting of Council

As a result of this late proposed amendment to the Port Lands By-laws amendments my client has not had an opportunity to sit and discuss the same with Staff. As such, we would request that Council defer making a decision on this matter at Council today and provide sufficient time for our client and City Staff to meet.

We thank you for the opportunity to provide these comments on the proposed Port Lands By-laws. We continue to offer to meet with the City to provide context to these comments and work towards a resolution to our concerns.

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Yours truly,



Andrew L. Jeanrie

cc: Rob Robinson, City Legal
Client

ALJ:jb
Enclosure