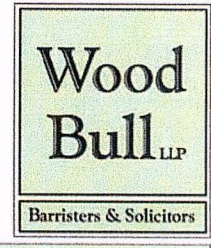


EX7.5.1



MUNICIPAL, PLANNING & DEVELOPMENT LAW

3 July 2019

Sent via E-mail: exc@toronto.ca

Executive Committee  
Toronto City Council  
10<sup>th</sup> Floor, West Toronto, Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N

Dear Mayor and Members of Executive Committee:

**Re: 4 July 2019 Meeting, Agenda Item EX7.5  
Planning Recreation Facilities for the Don Mills Communities**

We are the solicitors for Don Mills Residents Inc. ("DMRI"). DMRI is one of the largest and most active and respected residents' associations in the City of Toronto. The purpose of this letter to express DMRI's strong objection to the Staff recommendation on this item and to provide the Committee with an opportunity to avoid a protracted legal battle with DMRI regarding this matter.

In 2001, C/F Realty Holdings Ltd. ("CF") applied for an official plan amendment and zoning by-law amendment to permit a mixed-use redevelopment of the Don Mills Centre shopping mall (the "Site"). CF appealed its applications to the Ontario Municipal Board ("OMB"). DMRI was a party to the appeal, supporting the City's position on the appeal.

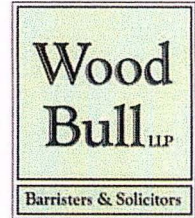
February 2010, the City, CF and DMRI entered into Minutes of Settlement ("Minutes") to resolve CF's appeals. The Minutes provided that the City and DMRI would support CF's revised development proposal before the OMB. In exchange for this support, the Minutes required CF to construct on the Site a publicly-accessible community centre with a floor space of at least 48,750 square feet with particular amenities ("Community Centre"). The Minutes, and the provision of the Community Centre on the Site, were significant factors in the OMB's subsequent decision approving the necessary planning instruments.

The Minutes constitute a legally binding and enforceable agreement among CF, DMRI and the City which requires that the Community Centre be constructed on the Site. All of the necessary elements of an enforceable contract are present.

DMRI has relied on the Minutes and expects the City to fulfill its obligations under the Minutes. However, based on the recommendation contained in the Staff report, it is clear that City Staff does not

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3 July 2019

recognize the City's obligation to DMRI, since Staff is recommending that the City change course and proceed with a community centre at the Celestica site.

This is not acceptable to DMRI. We note that if the situation were different and CF was resisting the City's attempts to get it to build the Community Centre at the Site, the City would have every right to insist that CF perform its obligations. As such, DMRI insists that the City perform its obligation to provide the Community Centre on the Site.

DMRI is fully prepared to take legal action to enforce its rights under the Minutes, including by seeking injunctive relief. We hope that such a step will not be necessary, and that the Committee will reject the Staff recommendation.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in blue ink that reads "Kim Mullin". The signature is written in a cursive style with a horizontal line at the end.

Kim Mullin

KM/km

c. Client