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SENT VIA E-MAIL AND COURIER

October 31, 2011

OPG File: 630.42-1005 Toronto

City Clerk
Attention: Rosemary MacKenzie, City of Toronto Administrator
Etobicoke York Community Council
Etobicoke Civic Centre
399 The West Mall
Toronto ON M9C 2Y2

Dear Ms. MacKenzie:

Re: Rezoning Application No. 11 107405 WET 05 OZ (5485-5487 Dundas Street West)

On October 13, 2011 Ontario Power Generation ("OPG") received notification of the above-noted application for the lands municipally known as 5485-5487 Dundas Street West. We appreciate the opportunity to provide comments.

The application to amend the zoning by-law proposes to demolish all existing buildings and construct one (1) twenty-six storey condominium apartment building, including an eight-storey mid-rise component. The building is proposed to contain commercial space on the first floor.

OPG is the owner of lands located at 800 Kipling Avenue, located approximately 520 metres southeast of the subject property. Our Kipling site, measuring approximately 30 hectares (76 acres), currently supports a variety of employment uses including research laboratories, offices, a computer data centre, a financial institution, a training facility, storage and warehousing, and courier services. These uses are consistent with the Ontario Municipal Board decision, dated March 13, 2003 (refer to Attachment). Beyond these existing uses, the Board's decision also permits electric power facilities.

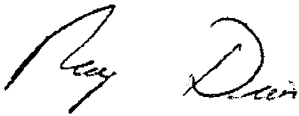
Given the scale and density of the subject proposal and its location relative to the Kipling site, the potential to service the proposed units with district energy should be explored. This would be consistent with Policy 1.6.1 of the Provincial Policy Statement which intends that infrastructure, including electric power generation, be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. Planning for infrastructure is to be integrated with planning for growth to meet current and projected needs. Furthermore, the policies of Toronto's Official Plan provide for public investment or partnership agreements to ensure key competitive infrastructure will be maintained, improved and extended for a reliable supply of energy sources including electricity, natural gas, and district heating and cooling.

We would appreciate an opportunity to meet with City staff and the proponent to discuss and assess alternative forms of energy production, including combined heat and power district energy, as a means of efficiently supporting this and future developments in the neighbourhood surrounding OPG's Kipling site.

In order to ensure future residents of the proposed development are not adversely affected by existing operations at our Kipling site, including an existing courier service and frequent high voltage testing that generate noise emissions throughout the Kipling site, it is recommended that appropriate noise mitigations be implemented in the design of the buildings through conditions of site plan approval. In addition, appropriate warning clauses should be included in purchase and sale agreements advising future residents of potential nuisance effects from existing employment uses in the vicinity. Such measures would be consistent with the Province's Land Use Compatibility Procedure Guidelines (D-6 Guidelines).

Thank you for providing this opportunity to comment. We would be pleased to discuss the details of our submission further with you. We would also appreciate being advised as to the future meeting when the application is considered for approval or refusal.

Yours truly,

A handwritten signature in black ink, appearing to read "Ray Davies". The signature is written in a cursive, flowing style.

Ray Davies, MCIP, RPP
Real Estate Strategy Manager
Real Estate Services

Attach. Ontario Municipal Board Decision/Order 0353

Copies: Glenn Temple, Vice-President, Real Estate and Services
Chris Young, Vice-President, Thermal Projects
Bob Osborne, Director, Thermal Public Affairs
Derek Bilyk, Senior Advisor, Thermal Projects
Ken Lee, Real Estate Consultant, Real Estate Services
Matt Prange, Real Estate Consultant, Real Estate Services

ISSUE DATE:

Mar. 13, 2003

DECISION/ORDER NO:

0353



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL021176

Ontario Power Generation Inc. has appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Committee of Adjustment of the City of Toronto which granted their application numbered A279/02E for variance from the provisions of the Etobicoke Zoning Code respecting 800 Kipling Avenue

OMB File No: V020625

APPEARANCES:

Parties

Ontario Power Generation Inc.

Counsel

J. D. Erzetic

MEMORANDUM OF ORAL DECISION DELIVERED BY J. R. AKER ON MARCH 10, 2003 AND ORDER OF THE BOARD

Ontario Power Generation Inc. is the owner of a 30.77 hectare (75 acre) property located at 800 Kipling Avenue in the City of Toronto. The property is located in the centre of a large industrial area with the C.P.R. railway line to the north and the C.P.R. railway yard to the west of the property.

The property was formerly owned by Ontario Hydro and the public power utility and associated activities were permitted on land zoned Utility (U). The former public utility has been privatized through legislation of the Province of Ontario on March 31, 1999. Due to privatization, the new owner Ontario Power Generation Inc. and its businesses are now classified as private businesses and not as a public utility and are not permitted on lands zoned Utility (U).

Ontario Power Generation Inc. applied to the City of Toronto Committee of Adjustment (the Committee) to permit the following business uses in the Utility Zone; research facility, laboratory, warehouse, storage, office, maintenance yard, computer data centre, day-care centre, electric power facilities and financial institutions, excluding medical and dental uses.

The Committee approved the minor variances on November 14, 2002, subject to the condition that the minor variance shall extend for the term of five (5) years, expiring on December 31, 2007 and the permitted uses were limited to specific building locations and to specific floor area. Ontario Power Generation Inc. appealed the decision to this Board.

At the outset of the hearing, counsel for Ontario Power Generation Inc. advised the Board that her client wished to amend the requested variance for the purpose of clarification and to refer to the correct Zoning Code. The following amended variances were requested:

1. To permit the following business uses operated by private independent companies on lands known as 800 Kipling Avenue, notwithstanding Section 320-126C:
 - Research facility;
 - Laboratory;
 - Warehouse;
 - Storage;
 - Office, excluding medical and dental;
 - Maintenance yard;
 - Computer data centre;
 - Day care centre;
 - Electric power facilities; and
 - Financial institutions

2. To permit the operation of the above-noted uses with the existing provisions of parking on site, notwithstanding the provisions of Section 320-18F.

Pursuant to subsection 45(18.1) of the *Planning Act* the application is amended and pursuant to subsection 45(18.1.1) of the *Planning Act*, the Board finds the amendment to the original application to be minor. No further notice is required.

Mr. John Bousfield, a qualified and experienced planner, testified in support of Ontario Power Generation Inc.

He stated that the uses his client is seeking in connection with this property are uses that have existed on the site for decades. The only significant change that has occurred on this site is the change in ownership from a public power utility to a private power utility.

Mr. Bousfield referred to the Official Plan of the City of Etobicoke and in particular Map 4 (Exhibit 3) which designates the entire area, including the subject property, as Industrial and does not distinguish between Utility and Industrial. Subsection 4.7 recognizes that new forms of business enterprise are now emerging such as data processing, film and communications, publishing and printing establishments, which can be appropriately accommodated in industrial designations. The Official Plan encourages the introduction of such uses as they will rejuvenate and maintain the stability of industrial designations. In the opinion of Mr. Bousfield the requested uses maintain the general intent and purpose of the Official Plan.

Mr. Bousfield referred to the Zoning Code of the Corporation of the City of Etobicoke. He stated that the requested uses on the subject property are similar to the permitted uses on the industrial zoning surrounding the subject property. The requested uses are necessary because of a change in ownership rather than the nature of the operation. In his opinion the requested variances maintain the general intent and purpose of the Zoning Code.

Mr. Bousfield stated that the requested uses are appropriate in order to maintain the historic and present operations and necessary to effectively market the property in the future.

In the opinion of Mr. Bousfield the requested variances are minor as they currently exist on the subject property. The subject property is surrounded by industrial uses, a transformer station and railway activities. There should be no negative impact from the requested variances.

Mr. Bousfield requested that the Board not impose the two conditions of the Committee of Adjustment. The five year limitation would make it very difficult to attract any tenants as most tenants require a 10 or 15 year lease. Currently, Ontario Power

Generation Inc. has approximately 200,000 square feet of space that it is attempting to market at this location. In his opinion, the five year limitation is not workable.

Mr. Bousfield did not understand why the Committee imposed a condition limiting the requested uses to specific building locations and to specific floor areas. The uses were permitted over the entire site when it was owned by Ontario Hydro. The uses are similar to the uses permitted by the industrial zonings surrounding the property and in his opinion the perimeter properties are not sensitive requiring separation distances.

At the hearing, no one spoke in opposition to this proposal.

The Board has carefully reviewed the evidence of Mr. Bousfield. The Board finds that the two variances are minor and meet the four tests set out in subsection 45(1) of the *Planning Act* and represent good planning. The requested uses are similar to the permitted uses of the surrounding area.

The Board finds that the conditions imposed by the Committee are not reasonably relevant. There was no evidence at the hearing that the conditions imposed arose out of the Official Plan designations or the Zoning Code.

Therefore, the Board allows the appeal and authorizes the two amended variances.

The Board so Orders.

J. R. AKER
MEMBER