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McCarthy Tétrault LLP
Box 48, Suite 5300
Toronto Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

Cynthia A. MacDougall
Direct Line: 416-601-7634
Direct Fax: 416-868-0673
Email: cmacdoug@mccarthy.ca

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March 8, 2011

Mayor Rob Ford and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Allison Meistrich, Community Planning

Your Worship and Members of Council:

Re: 7, 15, 25R, 29, and 39 Queens Quay East
Pier 27 – Phase 2
Official Plan Amendment/Rezoning/Site Plan Application
City File Nos. 10 147083 STE 28 OZ & 10 147097 STE 28 SA)

Extension of Time for City Election re Day Care Space in Phase 2 Development

We are the solicitors for Pier 27 Toronto Inc., Pier 27 Toronto (North) Inc., and Pier 27 Toronto (West) Inc., the owner and applicant in the above-noted matters (the "Owner").

We are writing to confirm the following on behalf of the Owner:

> Despite the 90- and 120-day time periods referred to in Sections 8.1.7(2) and 8.3.3 of the Amended and Restated Section 37 Agreement dated April 28, 2009 (registered on September 25, 2009 as Instrument No. AT2186244) (the "Section 37 Agreement"), the Owner agrees to extend each of these time periods by an additional 90 days, in order to allow further discussions between the Owner and Community Planning and other City departments, as necessary, regarding the provision of the Daycare Component of the Phase 2 development (as defined in the Section 37 Agreement).

We have recently received comments from Paula Prieditis in Policy and Research, via Community Planning, indicating concerns with the suitability of the proposed day care facility that was included in the Owner's December 24, 2009 resubmission of its planning applications.

Under the Section 37 Agreement, the City had 120 days following the resubmission to make an election whether to accept an on-site day care facility or whether to require a cash payment by the Owner. The City also had a 90-day period in which to make a determination regarding the manner in which it would take title to the day care facility.

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Based on the comments received to date, we understand that the provision of the facility is desirable and would be a positive benefit to the community. Accordingly, the Owner is willing to have further discussions with Policy Research, Community Planning, and the local councillor, and others as necessary, and has no desire to force the City to make an election regarding the proposed day care facility at this time.

Based on the December 24, 2010 resubmission, the 90- and 120-day periods required by Sections 8.1.7(2) and 8.3.3 of the Section 37 Agreement would expire on March 24 and April 22, 2011 respectively. The Owner is willing to extend these time periods to June 22 and July 22, 2011 respectively.

The extension of the timelines into June and July is being done out of an abundance of caution; these matters can be dealt with as part of City Council's consideration of the Final Planning Staff Report, which we understand is to be brought forward in April 2011.

The City may rely on this letter which has been authorized by the Owner, copied below.

Yours very truly,

McCarthy Tétrault LLP

Per:



Cynthia A. MacDougall

CAM/cjt

c. P. Stellato (Pier 27 Toronto Inc., Pier 27 Toronto (North) Inc., Pier 27 Toronto (West) Inc.)
Councillor P. McConnell (Ward 28)
P. Prieditis (Policy and Research)
S. Haniford (City Legal)