

NY6.38.15

**From:** Jane Pepino <jjepino@airdberlis.com>  
**To:** "fadamo@toronto.ca" <fadamo@toronto.ca>  
**Date:** 2011-04-21 12:25 pm  
**Subject:** NYCC TODAY - Letter re Downsview Area Secondary Plan Review, and Build Toronto OPA Application  
**Attachments:** Letter to City Clerk April 2111.pdf

To: City Clerk  
c/o Francine Adamo, Administrator  
and to ALL Members of North York Community Council

N. Jane Pepino, C.M., Q.C., LL.D.

T 416.865.7727  
F 416.863.1515  
E jjepino@airdberlis.com

Brookfield Place \* 181 Bay Street  
Suite 1800 \* Box 754  
Toronto ON \* M5J 2T9 \* Canada  
www.airdberlis.com<<http://www.airdberlis.com/>>

[cid:image005.jpg@01CC001D.591A9E30]

Soma Hemingway  
Assistant to N. Jane Pepino, C.M., Q.C., LL.D.

T 416.863.1500 x2131  
F 416.863.1515  
E shemingway@airdberlis.com

Brookfield Place \* 181 Bay Street  
Suite 1800 \* Box 754  
Toronto ON \* M5J 2T9 \* Canada  
www.airdberlis.com<<http://www.airdberlis.com/>>

[cid:image005.jpg@01CC001D.591A9E30]

If you are having issues opening a Microsoft Office file please click on the following link to download the Office 2007 converter from the Microsoft web site: Compatibility Pack<<http://www.microsoft.com/downloads/details.aspx?FamilyId=941b3470-3ae9-4aee-8f43-c6bb74cd1466&displaylang=en>>

This message may contain confidential and/or privileged information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this

email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. Aird & Berlis LLP may monitor, retain and/or review email. Email transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Neither Aird & Berlis LLP nor the sender, therefore, accepts liability for any errors or omissions in the contents of this message, which arise as a result of email transmission.

Any advice contained in this communication, including any attachments, which may be interpreted as US tax advice is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code; or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication.

[cid:image004.jpg@01CC001D.540C0FF0]Please consider the environment before printing this email.

---

# AIRD & BERLIS LLP

Barristers and Solicitors

N. Jane Pepino, C.M., Q.C., LL.D.

Direct: 416.865.7727

E-mail: [jpepino@airdberlis.com](mailto:jpepino@airdberlis.com)

**VIA EMAIL:**

April 21, 2011

File: 105740

City Clerk  
c/o Francine Adamo, Administrator  
North York Civic Centre, Main Floor  
5100 Yonge Street  
Toronto, ON M2N 5V7

Dear Ms. Adamo:

**Downsview Area Secondary Plan Review, and  
Build Toronto Official Plan Amendment Application – Supplemental Staff  
Report**

---

I would ask that this correspondence be provided to every member of North York Community Council prior to consideration of the above-noted item on today's meeting and added to the record.

Recent discussions with planning staff regarding requested revisions to the staff report have made it necessary to file this additional request with Council.

Build Toronto and its legal advisors disagree with staff's position that the intent to permit a maximum density of 0.85 (to a maximum of 450 units) can be achieved with solely the revision to the text suggested. Without an amendment to Map 7-11, the intention of the parties, and the basis on which Building Toronto is able to withdraw its application for a Site Specific Official Plan Amendment, has not been accomplished.

As a result, and to ensure that the document secures the densities that Build Toronto believes were instructed by North York Community Council at its meeting on March 22, 2011, the following amendment to the staff recommendation is required.

New recommendation "1.a.":

City Clerk  
c/o Francine Adamo, Administrator  
Re: Downsview Area Secondary Plan Review, and  
Build Toronto Official Plan Amendment Application – Supplemental Staff Report  
April 21, 2011  
Page 2

“Map 7-11 “Gross Density” be deleted and replaced with a new Map 7-11 which shows a maximum gross density of 0.85 FSI for the *Neighbourhood* designation in the Allen District.”

With this amendment, Build Toronto supports the Supplemental Staff Report before you, and remains committed to withdrawing its Official Plan Amendment application once City Council approves the Secondary Plan in this amended form, and it comes into full force and effect.

Yours truly,

**AIRD & BERLIS LLP**

---

N. Jane Pepino, C.M., Q.C., LL.D.

NJP/sh

c.c. Prakash David, VP Development, Build Toronto  
John Macintyre, Senior VP, Corporate Affairs  
All North York Community Council Members  
Allen Appleby  
Neil Cresswell  
Colin Ramdial  
Bill Bryck, Parc Downsview Park  
David Anselmi, Parc Downsview Park