

Goodmans^{LLP}CITY CLERK
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November 26, 2012

Our File No.: 12.2917

City of Toronto Mayor & Members of Council

Attention: Clerk**Re: Cedar Brae Golf Club
Council Agenda Item SC20.32
55 Mac Frost Way**

We are solicitors for Cedar Brae Golf and Country Club, the Applicant in respect of the above-noted item. Cedar Brae owns a golf course and clubhouse at 55 Mac Frost Way. They have a small piece of surplus property which they propose to sell for redevelopment. A zoning amendment and subdivision approval are required to permit 37 units. At the Scarborough Community Council Meeting of November 6, 2012, the Community Council adopted the recommendations of staff with respect to the approval of the zoning by-law and draft plan of subdivision. Our client supports the recommendations of staff and the Scarborough Community Council.

There was some discussion at the Community Council regarding whether subdivision condition No. 7 was appropriate or should be replaced by a condition being advocated by the Morningside Heights Developer Group. The staff's recommendation which was endorsed by Scarborough Community Council is that Cedar Brae pay *"for the proportionate construction cost for the capacity of the storm and sanitary sewers that the proposed subdivision will use within the CORE services constructed for the Morningside Heights Community"*.

The Morningside Heights Developer Group requested the following alternative condition:

"The Owner shall become a party to the existing Cost Sharing Agreement with the other participating Owners within the Morningside Heights Secondary Plan who have funded and who will continue to fund the establishment of the CORE services as defined by the applicable OMB orders. Final registration of the plan of subdivision shall not be permitted until the owner has executed the said Cost Sharing Agreement and has further submitted to the City a letter from the Trustee under the Cost Sharing Agreement at the time of registration".

The condition being proposed by the Morningside Heights Developer Group is not only onerous, it's imposition is well outside the ambit of the legal authority of a municipality. It is not

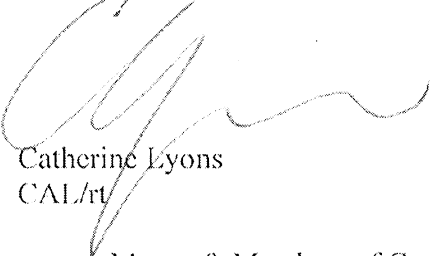
appropriate for the City to require execution of an agreement with a third party as a condition of subdivision approval.

Our client will be paying its fair share by contributing to the oversizing of the storm and sanitary sewer, paying its development charges and making its parks contribution.

The timing of this approval is important to the Cedarbrae Golf and Country Club and we ask that the matter not be deferred and instead be approved in the form recommended by both City staff and the Scarborough Community Council.

Yours very truly,

Goodmans LLP

A handwritten signature in dark ink, appearing to read 'Catherine Lyons', is written over the typed name and initials.

Catherine Lyons
CAL/rt

cc: Mayor & Members of Council