

**VIA FAX (416-392-1879) AND E-MAIL (pgmc@toronto.ca)**

City Clerk  
Toronto City Hall  
100 Queen Street West  
10<sup>th</sup> Floor, West Tower  
Toronto, ON  
M5H 2N2

**Attention: Merle MacDonald,  
Administrator, Planning and Growth Management Committee**

Dear Chair and Members:

**Re: Submissions on behalf of Ontario Power Generation  
Inc. regarding Draft Harmonized City of Toronto By-  
law  
Public Meeting – October 12, 2012  
700 University Avenue**

We are the solicitors retained to act on behalf of Ontario Power Generation Inc. (“OPG”), the owners of 700 University Avenue (the “**Property**”), in connection with its review of the draft harmonized City of Toronto Zoning By-law (the “**Draft By-law**”). We have had an opportunity to review the Draft By-law as endorsed by the Planning and Growth Management Committee on June 18<sup>th</sup>, 2012 and have concerns as follows:

The Property is currently zoned **Commercial Residential – CR T7.8** under the former City of Toronto Zoning By-law 438-86 (the “**Current By-law**”). The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site **Commercial Residential CR 7.8 (c7.8; r6.0) SS1 (x2477)**.

The Property is uniquely located in close proximity to the University of Toronto, Mount Sinai Hospital, Toronto General Hospital, the Ontario Cancer Institute and other similar institutional uses. As a result, the Property serves a diverse mix of tenants in support of these institutions. We are concerned about the impact of the Draft By-law on the Property’s permitted uses. Specifically, OPG would like to maintain its ability to provide for its tenants’ exceptional needs now and in the future. The proposed changes made to the Property’s zoning under the Draft By-law appear to limit this ability to the detriment of both OPG and its tenants.

Firstly, the Draft By-law appears to negatively impact uses that are currently permitted as-of-right. Many uses previously permitted as-of-right now appear to be conditional under the Draft By-law. For example, the Draft By-law imposes new limits to the total internal floor area for Laboratories, Retail Services, Service Shops and Recreation Uses not found under

the Current By-law. The introduction of such restrictions may adversely affect the ability of existing tenants to expand their businesses in the future.

Similarly, the conditions attributed to some conditional uses seem more onerous than before – for instance for outdoor patios. In addition, some uses seem to no longer be permitted at all.

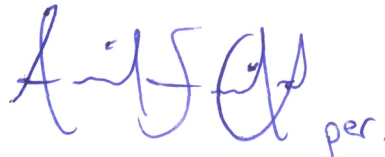
Finally, the existing building has no parking and accordingly this should be reflected in the zoning under the Draft By-law.

Given the strategic location of the Property and the correspondingly exceptional needs of the Property's tenants, we respectfully submit that a site-specific exception should be adopted that resolves our concerns as outlined above. Otherwise, to preserve the unique functionality of the Property, to ensure the Property does not become legal non-conforming and to ensure that OPG and its tenants are not prejudiced by the adoption of the Draft By-law, we respectfully submit that the Property should be excluded from the Draft By-law.

We wish to inform you that my client and I are prepared to meet with City staff to discuss the concerns set out above and would greatly appreciate such an opportunity.

We understand that the City will be holding a statutory public meeting at 10am on October 12, 2012 to consider the Draft By-law and the public's concerns related thereto. We trust that Committee members will take the opportunity to consider our written submissions.

Yours truly,



Mary Flynn-Guglietti

/af  
Encl.

c.c.: Ontario Power Generation Inc.  
Attention: Lauren Sasaki  
Ray Davies