

PG 19.5.30

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

**mccarthy  
tétrault**

**John A.R. Dawson**  
Partner  
Direct Line: (416) 601-8300  
Direct Fax: (416) 868-0673  
Email: jdawson@mccarthy.ca

November 7, 2012

**Via Email and Courier**

Mayor and Members of Council  
Toronto City Hall,  
10th Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Chair and Members of  
Planning and Growth Management Committee

Dear Sirs/Mesdames:

**Re: Official Plan/Municipal Comprehensive Reviews  
Employment and Employment Land Policies**

We are solicitors for Hiltin Hills Developments Inc. ("Hiltin Hills"), the owners of the property known municipally as 2135 Sheppard Avenue East ("Subject Property"). Our client has made an application for official plan amendment and rezoning respecting this property to permit retail and residential uses, which application is referred to on page 100 of the report dated October 23, 2012 to the Planning and Growth Committee from the Chief Planner and Executive Director, City Planning Division, Reference Number p:\2012\clusterB\PLN\PG12075 in respect of the above-captioned matter (the "Staff Report"). Our client would therefore like to provide some very preliminary comments on the Staff Report.

At the outset, we note that the Staff Report is premised, to a substantial degree, on a report prepared for the City by Malone Given Parsons Ltd. as lead consultant entitled "Sustainable Competitive Advantage and Prosperity-Planning for Employment Uses in the City of Toronto". This is a voluminous and detailed report which is only recently released and which Hiltin Hills has not had time to review except in the most preliminary matter. Therefore, the comments to follow may well require elaboration or modification in future as we are able to better understand the background to the Staff Report.

Given that context, Hiltin Hills supports in principle what it sees as a key idea contained in the Staff Report respecting the Subject Property, which is that it should be designated Mixed Use Areas to permit residential and retail uses.

However, the Staff Report goes into greater detail respecting proposed policies for the Subject Property, contemplating area-specific policies to deal with such topics as "amenitization". Until the specific wording for these policies are available it is not possible for Hiltin Hills to provide meaningful commentary. We note that notwithstanding that Hiltin Hills' application proposes a

significant amount of gross floor area for employment uses polices to mandate such are problematic.

We also note that the Staff Report characterizes Hiltin Hills' application as a "conversion". It is our submission that the law is clear that since the Subject Property is on an Avenue that Hiltin Hills' application is not a conversion that is prohibited in the absence of a municipal comprehensive review.

Please provide us with notice of any further consideration of the matters discussed herein by Council or any Committee thereof.

Thank you for your attention is this regard.

Yours truly,

A handwritten signature in dark ink, appearing to read "John A.R. Dawson", with a long, sweeping horizontal line extending to the right.

John A.R. Dawson

JARD/sc