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December 11, 2013

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Toronto City Council
13th floor, West Tower, City Hall
100 Queen Street West
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Attention: Ms. Ulli S. Watkiss, City Clerk

Dear Mayor and Members of Council:

**Re: City of Toronto
Official Plan Review: Employment Uses Policies
234 Simcoe Street, Toronto
Bank of Montreal
Item No. PG28.2 of the Planning and Growth
Management Committee Meeting of November 21, 2013
and Item No. PG28.2 at the City Council Meeting of
December 16, 2013**

We are the solicitors retained on behalf of the Bank of Montreal, owners of the property municipally known as 234 Simcoe Street (the "**Property**"). The Property constitutes approximately 1.4 acres of land on the west side of Simcoe Street. The Property is 150 metres from St. Patrick Subway Station and is also in proximity to several additional TTC Subway Stations. A 3-storey structure of approximately 100,000 square feet (9290 square meters) is currently situated on the Property and the entire building is used as office space.

The Property is presently designated as a **Mixed Use Area** under the City of Toronto's Official Plan (the "**OP**"). Further, the Property is located within the boundaries of the **Downtown and Central Waterfront** under the OP.

In the Staff Report regarding the proposed Official Plan Review: Employment Uses Policies dated November 5th, 2013 (the "**Final Staff Report**") and the accompanying Attachment 1 – Official Plan Amendment No. 231 ("**OPA 231**"), City Planning recommends amendments to the OP to preserve existing office space in the Downtown and Central Waterfront, the Centres and within 500 metres of rapid transit stations (the "**Office Preservation**

Policies”). Specifically, Policy 3.5.1.9 under OPA 231 provides that new development in the Downtown and Central Waterfront areas, that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area (“**GFA**”) used for offices, must increase the non-residential GFA used for office purposes.

First, we submit that such policies are not properly supported by any studies or reports completed by the City. These policies will significantly impact any redevelopment potential of the Property by severely restricting the development potential for which the Property may be used. Further, no evidence has been provided that the imposition of such policies will in fact further the City’s aims of providing required office space Downtown and near rapid transit centres. The economic impacts of the proposed policies must be fully considered prior to their implementation. We would also recommend that the use of positive incentives to encourage the maintenance and development of office uses during redevelopment must be considered.

We respectfully submit that a density incentive to an applicant who agrees to replace and/or introduce new office uses be implemented. For example, exempting office density from the calculation of the total GFA of a development together with permission for allowing a greater height when such office density is included is a more appropriate way to further the City’s goals without adversely affecting the development potential of properties.

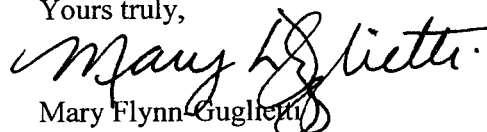
Additionally, the language of Policy 3.5.1.9 is vague resulting in uncertainty regarding its application to the Property. For example, it is unclear exactly what amount of existing GFA on the Property will be considered “existing non-residential gross floor area used for offices” for the purposes of the policy. Further, it is also unclear what amount of additional GFA will be required upon redevelopment of the Property to produce the required increase in the non-residential GFA used for office purposes. Such uncertainty is unacceptable, inappropriate and contrary to public policy.

We respectfully submit that the Office Preservation Policies are in conflict with the Provincial Policy Statement (the “**PPS**”), the Growth Plan for the Greater Golden Horseshoe (the “**Growth Plan**”) and the City’s own Official Plan. The PPS, the Growth Plan and the OP are intended to promote intensification while the Office Preservation Policy will act as a disincentive to growth in the very areas targeted for growth.

For the reasons described above, we respectfully submit that the Office Preservation Policies should not be included in OPA 231. Alternatively, a site specific exception removing the Property from application of these policies must be provided.

We thank you for your consideration and kindly ask that we be given notice of any decisions or recommendations made by Council going forward.

Yours truly,



Mary Flynn Guglietti

CC: Bank of Montreal