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February 27, 2013

Via Email and Courier

Mayor and Members of Council
City of Toronto Corporate Services
Toronto City Hall,
2nd Floor
Suite A7
100 Queen Street West
Toronto ON M5H 2N2

Your Worship and Members of Council:

**Re: Proposed Official Plan Amendment No. 199 ("OPA 199")
Item PG22.3, Planning and Growth Management Committee
February 28, 2013 Agenda**

We are the solicitors for GWL Realty Advisors Inc. ("GWL"), agent for The Great-West Life Assurance Company, London Life Insurance Company, The Canada Life Assurance Company, Toronto College Park Ltd. and bclMC Realty Corporation, the owners of heritage designated properties in the City of Toronto. Our client is concerned with OPA No. 199, as revised and set out in the February 4, 2013 City of Toronto Supplementary Report.

At the outset, and as previously identified by the development community, OPA No. 199 is coming forward as a stand-alone set of policies divorced from the full Five Year Official Plan Review ("Five Year Review"). As such, it is not possible to properly understand the effects that the policies might have without the context and policies that will come forward as part of the full Five Year Review.

Generally, GWL submits that the overall direction of OPA No. 199 should be altered so that it is clear that heritage policy be considered as part of a comprehensive land use planning policy exercise. For example, an appropriate balance between the protection of heritage resources and intensification opportunities in areas of the City identified for intensification needs further consideration. Many of the policies set out in OPA No. 199 are at odds with the desire to achieve higher densities in the downtown where we have seen the successful mixing of the present and the past.

As just one example, one policy that calls for reconsideration in the context of broader policy concerns can be found in Policy 3.1.5.29, which sets out a detailed regime respecting moving heritage structures. Significant public objectives may be achieved through relocation of a heritage structure on different terms than are set out in OPA No. 199. The strict limitations on moving a heritage structure should be revisited in the context of the consideration of other public interest objectives that might become relevant in any given circumstance, such as intensification

at a public transit node. The policy as it reads to date continues to have the effective of impeding the development of creative solutions to address other planning objectives, all of which are not yet known given the current piecemeal nature of the Five Year Review.

One matter which calls for particular comment is Policy 3.1.5.26. Policy 3.1.5.26 sets out fundamental directions respecting development on and around heritage properties: as currently drafted among other things it could serve to arbitrarily limit density not only on a heritage property but also on properties "adjacent" thereto. While the policy speaks to scale and massing, it indirectly speaks to density. The Policy could have a significant impact on intensification opportunities. In distinction, if the Policy was revised to explicitly set out the relationship between heritage and other planning policies this potential arbitrariness would be mitigated.

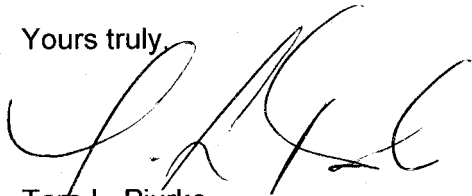
A further example of GWL's concerns with OPA No. 199 as it reads to date is Policy 3.1.5.45 respecting views to heritage properties. The concern is not only that all such "protected" views are not yet known but also that the effect of the "Views of Heritage Properties" policies cannot be fully understood at this time since there is insufficient direction on how policies should be balanced.

This letter only sets out examples of GWL's concerns with OPA 199. Given the fundamental nature of even these examples, we submit that it is clear that further dialogue is in the interests of all stakeholders. We therefore submit that OPA No. 199 should continue to be deferred to permit further discussions.

We hereby request that the undersigned be added to the list of persons to be notified on matters respecting OPA No. 199.

If you have any questions or require further information, please do not hesitate to contact the undersigned. Thank you for your attention to this matter.

Yours truly,



Tara L. Piurko

TLP/csb

- c. Merv McCoubrey, GWL Realty Advisors Inc.
Doug Taylor, GWL Realty Advisors Inc.
Audrey Thompson, GWL Realty Advisors Inc.
Robert Reed, GWL Realty Advisors Inc.
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