



February 27, 2013

via email: pgmc@toronto.ca

Planning and Growth Management Committee
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Dear Members of Planning and Growth Management Committee:

**Re: Official Plan Five Year Review: Official Plan Amendment to Adopt new Heritage and Public Realm Policies
Agenda Item: TE18.2**

We are the lawyers for the Governing Council of the University of Toronto (the "University"). We are writing to set out the University's objections to certain portions of the Official Plan Amendment to Adopt new Heritage and Public Realm Policies ("Policies") in the City of Toronto Official Plan Amendment ("OPA") 199. We previously submitted comments on behalf of the University to the Planning and Growth Management Committee ("PGMC") by way of letter dated October 11, 2012 and deputation to the PGMC at the public meeting held on October 12, 2012. Despite some of the valuable modifications that have been recommended by City staff, our client continues to have two concerns.

Our client respectfully requests that the City make the following two changes to OPA 199:

1. The City should make clear that the "comprehensive study" referred to in the definition of the view of the Queens Park Legislature is that which was adopted by the City in OPA 203; and
2. The City should not impose Policies 39 and 40 as drafted in the proposed OPA 199. Rather, the only obligation that the City should impose is to require a developer to conduct archaeological work on a site that has been identified as having archaeological potential using a licensed archaeologist.

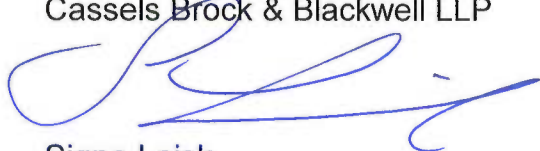
Clarification to the definition of the view of the Queens Park Legislature contained in Appendix No. 1 to the proposed By-law

The City introduced OPA 203 as an official plan amendment to specifically protect the views of Queens Park. Our client was of the view in our last submission that OPA 199 is inconsistent with OPA 203. The City has modified OPA 199 to make clear that the view of Queens Park is not described in the description of views contained in Appendix No. 1 of OPA 199 under A1 “Queens Park Legislature”. Instead, the new definition provides that the view is described in another undefined “comprehensive study.” While we are only aware of one other comprehensive study and, therefore, it appears that OPA 199 is making reference to the studies and policies adopted by OPA 203, we respectfully request that the definition make specific reference to OPA 203 to avoid any chance of confusion.

Archaeological Resource Policies

Some of the policies in OPA 199 are directed at how a property owner is expected to collect and analyze a site that has been identified as a site with archaeological potential. However, the policies proposed in Policies 39 and 40 repeat obligations that are already required and completed by a licensed archaeologist under the Ontario Heritage Act. Policies 39 and 40 in OPA 199 are, therefore, duplicative and unnecessary and do not represent good planning. Moreover, they are likely beyond the jurisdiction of the City. We respectfully suggest that the City only require a developer to conduct archaeological work on site with archaeological potential using a licensed archaeologist and that the results of any such archaeological work must be provided to the City. Those results can thereafter be provided to First Nations by the City where there are First Nations that have an identified interest in the property. However, no further obligations should be imposed in the City’s OP.

Yours truly,
Cassels Brock & Blackwell LLP



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