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File No. 702070

November 20, 2013

**By E-Mail to [pgmc@toronto.ca](mailto:pgmc@toronto.ca)**

City of Toronto  
Planning and Growth Management Committee  
Toronto City Hall, 10<sup>th</sup> Floor, West Tower  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

**Attention: Nancy Martins, Committee Secretariat**

Dear Ms. Martins:

**Re: Draft Official Plan Amendment for Employment Lands  
Item PG28.2 (November 21, 2013)  
1095909 Ontario Limited**

We are counsel to 1095909 Ontario Limited.

Our client has an interest in lands on the north side of Dupont Street, west of Spadina Road, municipally known as 328, 330, 332, 344 and 358 Dupont Street (the "Lands").

We understand that at its meeting on November 21, 2013, Planning and Growth Management Committee will be considering a staff report from the Chief Planner and Executive Director, City Planning Division, dated November 5, 2013, which recommends that Council adopt an Official Plan Amendment to redesignate various employment lands and modify the policies applicable to employment lands throughout the City.

On May 31, 2010 our client filed an Official Plan Amendment application with the City to redesignate the Lands, as well as the adjacent lands at 374 Dupont Street, from *Employment Areas* to *Mixed Use Areas*, in order to facilitate the redevelopment of the properties for a mixed-use development containing both



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commercial and residential uses. In support of its application, our client filed numerous reports and studies that had been requested by City Planning staff during the pre-application consultation process.

Due to the City's failure to approve our client's proposed Official Plan Amendment within the stipulated time periods set out in the *Planning Act*, we appealed the Official Plan Amendment application to the Ontario Municipal Board (the "Board") by letter dated June 1, 2011, and the matter currently remains before the Board.

Having reviewed the November 5, 2013 report, we note that staff is recommending that most of the lands north of Dupont Street between Spadina Road and Bathurst Street, including the Lands, be redesignated from *Employment Areas* to *General Employment Areas*, and that lands directly fronting on the north side of Dupont Street between Kendal Avenue and Bathurst Street be redesignated to *Regeneration Areas*, as reflected on Map 34.

Further, we note that staff is recommending a new Site and Area Specific Policy (Policy No. 212) that would apply to the "Dupont Street Corridor" and would direct the adoption of a Secondary Plan or a further Site and Areas Specific Policy (SASP) that would, among other things, preclude development that includes residential and/or sensitive uses until the study is completed and the Secondary Plan or SASP is in force.

Although the City's employment lands review has been ongoing for well over a year and that our client has had an active Official Plan Amendment application for more than three years, the release of the November 5, 2013 report just last week was the first time that we became aware of staff's recommended redesignation of the Lands and the "Dupont Street Corridor".

For the reasons set out in the various supporting reports filed with our client's Official Plan Amendment application, we continue to maintain that the Lands (as well as other lands north of Dupont Street) should be redesignated to *Mixed Use Areas*.

In addition, our client believes that many of the City's proposed modifications for its employment lands policies are not appropriate.

Accordingly, we are writing to advise that 1095909 Ontario Limited opposes the staff recommendations and the draft Official Plan Amendment in its current form.



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Kindly ensure that we are notified of any decision(s) made by the Committee and/or City Council in respect of this item and that we receive notice of any future public meetings and/or staff reports concerning this matter.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

A handwritten signature in blue ink, appearing to read 'Mark R. Flowers', is written over the printed name.

*per:* Mark R. Flowers  
Professional Corporation

copy 1095909 Ontario Limited