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November 20, 2013

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

Your Worship and Members of Council:

**Re: Official Plan / Municipal Comprehensive Review and
Reference Number P:\2013\Cluster B\PLN\PGMd PG 13084 (the "Staff Report")
Proposed Draft Official Plan Amendment No. 231**

We are the solicitors for Hiltin Hills Development Inc. ("Hiltin Hills"). Our client has an application for official plan and zoning by-law amendment respecting its lands (the "Application") known as 2135 Sheppard Avenue East (the "Site"). The processing of the Application has been delayed pending the process leading to OPA 231. As a result, Hiltin Hills is both interested and concerned with OPA 231.

It is Hiltin Hills' position that its Application can be processed and approved as it is not a "conversion" of employment lands due, in part, to its identification as an "Avenue". Since OPA 231 generally provides a platform for the mixed use development (including residential and retail uses) for the Site our client supports the overall thrust of OPA 231 in this regard.

However, to the extent that area specific policies proposed in OPA 231 may require a further official plan amendment that could serve to delay the consideration and approval of its application, Hiltin Hills objects to such policies.

Furthermore, Hiltin Hills is concerned with policies respecting the form of retail development. Policies promoting that street related retail adjacent to higher order transit have a "fine grain of entrances" (Policy 3.5.3.3) or enabling restrictions on maximum store size (Policy 3.5.3.5) effectively disregard the benefits to neighbourhood service levels and the collective health of area retail that can be served by larger format retailers.

Finally, although it is not an issue in the Application as it contemplates a large non-residential component, Hiltin Hills is generally concerned as a matter of overall policy with a number of directions in OPA 231 which purport to require minimum amounts of non-residential uses in residential redevelopment scenarios. It submits that forcing otherwise appropriate uses to subsidize development and uses which are uneconomic is unnecessary, inappropriate and illegal as it constitutes *de facto* conditional zoning.

Hiltin Hills would be pleased to participate in any process aimed at revising OPA 231 to address its concerns as set out above. In the absence of such revisions Hiltin Hills would object to the offending policies.

Thank you for your kind consideration. Please provide us, on behalf of Hiltin Hills, with notice of any consideration of the above-captioned matter by Council, any Committee thereof, or any Community Council.

Yours truly,



John A.R. Dawson

JARD:sc