

Kim M. Kovar
Partner
Direct: 416.865.7769
E-mail:kkovar@airdberlis.com

November 20, 2013

BY EMAIL (pgmc@toronto.ca)

Our File No. 105065

Councillor Peter Milczyn, Chair
c/o Nancy Martins,
Secretarial Contact, Planning and Growth Management Committee
City of Toronto
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

Dear Chair Milczyn,

**Re: City of Toronto - Municipal Comprehensive Review
Official Plan Amendment No. 231 (Item PG28.2)
401-415 King Street West, City of Toronto
Planning & Growth Management Committee Meeting – November 21, 2013**

We act on behalf of 1107051 Ontario Ltd. and Cabo Three Investments Inc., owners of lands known municipally as 401-415 King Street West in the City of Toronto (the "Site"). Our client submitted a rezoning application in 2010 (City File No. 10 197695 STE 20 OZ) in order to permit a mixed use redevelopment on the above referenced site. The proposal conforms to the policies of the Official Plan and no Official Plan Amendment is required. The application is nearing the end of the planning review process and we expect it will be reported to Toronto and East York Community Council early in the new year.

Our client has had an opportunity to review the policies in proposed OPA 231 and has concerns with policy 3.5.1.9 in particular, if it is to be applied to the subject application at this stage of the approval process.

In accordance with well-established case law, our client is entitled to have its application considered in the context of the policy and regulatory regime in force at the time of submission of its application. Accordingly, as there appear to be no grandfathering policies included in OPA 231, we are respectfully requesting that the Site be excluded from the application of the proposed OPA.

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In addition, we would note that the policy as drafted, does not appear to meet the intent as expressed in the Staff Report of November 5, 2013 of securing affordable Class 'C' office space to be used as an incubator for cultural industries, etc. We also see no justification in the Report for using 1,000 sq.m. as a threshold and this figure appears somewhat arbitrary.

Kindly provide the undersigned with notice of any further public meetings and any decision of City Council in respect of this matter.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/SM/mn

cc: Client

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