

# **STIKEMAN ELLIOTT**

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz  
Direct: (416) 869-5669  
E-mail: clantz@stikeman.com

**BY EMAIL**  
clerk@toronto.ca

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File No.: 136696.1001

City Clerk's Office  
City of Toronto, City Hall  
100 Queen Street West, 13<sup>th</sup> floor  
Toronto, ON M5H 2N2

Attention: Mayor and Members of Council

Dear Sirs/Mesdames:

**Re: Item TE34.92  
Status Report - King-Spadina East Precinct Built Form Study**

We are counsel to Terracap Management Inc. ("Terracap"), the owner of the properties municipally known as 401, 407-409 and 415 King Street West, City of Toronto (the "Terracap Property").

The Status Report on the King-Spadina East Precinct Built Form Study (the "Status Report") was considered by Toronto and East York Community Council ("TEYCC") on August 12, 2014 without notice to the affected landowners. We only became aware of the Status Report proceeding to the TEYCC meeting by reviewing the agenda for the TEYCC meeting for another matter on August 11, 2014 (the Status Report was not posted on the City's website until August 8, 2014). Although we made a deputation on this matter at the TEYCC meeting, we write to forward our concerns directly to City Council.

The Status Report provides that the King-Spadina Secondary Plan, Zoning By-law and Urban Design Guidelines will be updated in 2015 once a final report on the King-Spadina East Precinct Built Form Study is available and the King-Spadina Heritage Conservation District Study is completed (the "Studies"). The Status Report also proposes a draft Public Realm Strategy and Built Form Directions that staff must apply in evaluating current and future development applications in advance of any Official Plan Amendment or Zoning By-law Amendment to implement the findings of the Studies.

Since it is an established principle that development applications are to be evaluated in the context of the planning instruments that are in force at the time that the application is made, it is concerning that City staff are seeking approval from Council to apply the draft Public Realm Strategy and Built Form Directions in their evaluation of

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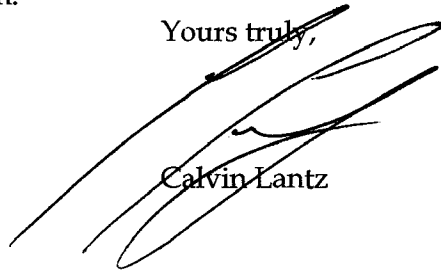
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current and future development applications prior to any public process required under the *Planning Act* that would allow stakeholder involvement in the establishment of the Public Realm Strategy and Built Form Directions. The approval of this regime would unduly prejudice landowners and developers with existing development applications and would set a unreasonable precedent in the manner that City staff are permitted to evaluate development applications.

We ask that Council consider and respond to the concerns we have raised. Please provide us with copies of all staff reports, notice of any public meeting and copies of all decisions of City Council or its committees with respect to this matter.

Thank you for your attention.

Yours truly,

A handwritten signature in black ink, appearing to read 'Calvin Lantz', written over a set of horizontal lines.

Calvin Lantz

CWL/ mc  
Attachment

cc. Larry Krauss, *Terracap Management Inc.*  
Jason McCauley, *Terracap Management Inc.*