

NY 33.51.1

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**Date:** 06/16/2014 2:33 PM  
**Subject:** FW: PDF Document from McCarthy Tétrault LLP  
**Attachments:** [Untitled].pdf

Please see the attached, and place on the agenda of the next North York Community Council and City Council meetings.

Should there be any problems with this request please advise immediately.

Thank you.

John Dawson

-----Original Message-----

From: TOR-CMFP49-049 [mailto:TOR-CMFP49-046@mccarthy.ca]  
Sent: Monday, June 16, 2014 2:30 PM  
To: Dawson, John A.R.  
Subject: PDF Document from McCarthy Tétrault LLP

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June 16, 2014

**Via Email and Courier**

Mayor and Members of Council  
c/o North York Community Council  
City of North York  
5100 Yonge Street  
North York ON  
M2N 5V7

**Attention: Chair and Members  
of North York Community Council**

Dear Sirs/Mesdames:

**Re: Reference Number: File No. 08 111155 NPS 00 TM  
(North York Centre – Parkland Dedication Policies)  
Proposed Official Plan Amendment No. 249 (“OPA 249”)  
Next Steps on Implementing Official Plan Amendments**

We are the solicitors for Silvercore Inc. (“Silvercore”), the owner of the Newtonbrook Plaza (5799 to 5915 Yonge Street) and adjoining property. On behalf of our client we would like to take this opportunity to indicate our client’s concerns with the proposed OPA 249.

While Silvercore appreciates the aspect of OPA 249 which addresses parkland for the purpose of the *Planning Act* Section 37 Contributions, it has a number of significant concerns.

First, the proposed policies would significantly increase the cash-in-lieu requirement to be taken in accordance with the provisions of the *Planning Act*. This increase falls disproportionately on Newtonbrook Plaza as it is larger than 1 hectare. Smaller sites suffer far less impact.

Secondly, and perhaps more importantly, we submit that this policy is not justifiable in the context of the North York Centre Secondary Plan. This document establishes a *Planning Act* Section 37 regime of great specificity, and all the existing policies were developed in that context.

The proposed new policies in OPA 249 have insufficient regard for that context, and are not only inequitable but also counter-productive in terms of provincial and City policies supporting intensification.

Thirdly, essentially the same could be said regarding the new policies for the dedication of land for parks purposes. OPA 249 would appear to provide for a lessening of the density attributable to any Mixed-Use site, as it proposes to delete Section 6.5 of the North York Secondary Plan.

This is the Section which permits the density attributable to dedicated parkland above 5% of the development site to remain on a development site. If our interpretation of the policy intent of OPA 249 in this respect is incorrect, the proposed policies should be modified to clarify them. As they now stand, it is very difficult to understand how lowering densities in a Centre can be said to conform with the Growth Plan.


Our client would be pleased to participate in any process directed at resolving its concerns, but should the policies remain in their present form, our client would be compelled to object.

Thank you for your attention in this regard. Please provide us with notice of any future consideration of this matter by North York Community Council or Council.

Yours truly,

McCarthy Tétrault LLP

Per:



John A.R. Dawson

JARD:sc/