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BY E-MAIL
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June 18, 2014

Chair and Members of the Planning and Growth
Management Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins, Committee Administrator

Dear Sirs/Mesdames:

**Re: Planning and Growth Management Committee Meeting - June 19, 2014
Proposed Official Plan Policies for Implementing a Development Permit
System ("OPA 258")
Item - PG34.4
RioCan Holdings Inc., RioCan Management Inc., and its Related Entities**

We are solicitors for RioCan Real Estate Investment Trust, RioCan Holdings Inc., RioCan Management Inc., and any related entities ("RioCan"). RioCan has broad land holdings in the City of Toronto and acquires additional lands in the City from time to time. We are writing to provide comments on proposed OPA 258 attached to the Final Staff Report entitled, "*Official Plan Policies for Implementing a Development Permit System - Final Report and Statutory Public Meeting*", dated May 28, 2014. In principle a Development Permit System ("DPS"), if implemented with the necessary and appropriate policies and approval regime, may be a helpful alternative framework for development approvals in the City of Toronto. However, based on our review of the draft OPA 258 and related Staff Reports to date, our client has identified a number of issues with the proposed policy language of OPA 258.

It is our client's view that applying OPA 258 on a City-wide basis, at this point in time, is premature. The DPS has not been tested in Ontario in a dense and complex urban environment such as the City of Toronto. It is not known whether OPA 258 provides the needed clear policy direction required for the implementation of development permit by-laws and whether further Official Plan Amendments will be required to facilitate the implementation of each development permit by-law. It is prudent for an Official Plan Amendment in support of a DPS to be developed in

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consultation with interested stakeholders at the same time that a development permit by-law is brought forward for consideration.

The Staff Report contemplates that the development permit by-laws will be pursued for a select number of "test" areas in the City. Accordingly, the applicable scope of OPA 258 should apply to those "test" areas only, and not applied City-wide at this stage.

When OPA 258 comes into force and effect, the policies will give rise to a system that entails a more onerous standard of review for a by-law amendment application than what is required by the current policy framework in the City of Toronto. OPA 258 requires that any City-initiated amendment or a private application to amend a development permit by-law be considered in the context of all lands that are the subject of the development permit by-law.

A DPS, by operation of the legislation, displaces all previous zoning by-laws and minor variance decisions and there is no ability to apply for a minor variance to the development standards contained in a development permit by-law. Once a development permit by-law is in effect, if a landowner requires some relief from the development standards in the development permit by-law, OPA 258 will require developers to undertake an amendment to the development permit by-law that will be reviewed under the more onerous standard contained in OPA 258. It is for this reason, it is essential that the policy framework for the DPS provide for the necessary flexibility in the development permit by-law that would otherwise be addressed by the minor variance application process. The proposed policy framework in OPA 258 does not provide for such needed flexibility.

A DPS is intended to frontload the input of all interested stakeholders into the development of the development permit by-law. Once a development permit by-law is in effect, a proposed development that fits the standards of the by-law should be approved quickly and granted a development permit. However, OPA 258 contains a policy that requires development permit by-laws to include processes for public notification and input into the evaluation of development permits. This proposed policy direction introduces uncertainty into the DPS, which is contrary to the objectives of a DPS.

Our client has other issues with OPA 258, including that OPA 258 contains policies that do not comply with Ontario Regulation 608/06 - Development Permits.

Given that the introduction of a DPS will be a radical change to the development process in the City of Toronto, and that once a development permit by-law is in place it will displace existing zoning and minor variance decisions and such processes/relief in the future, it is critical that the Official Plan policies for a DPS are appropriately crafted, thoroughly vetted and complete before being implemented on a City-wide basis.

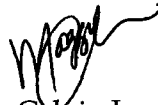
The above noted list of concerns with OPA 258 is not exhaustive and we would welcome the opportunity to discuss them with City staff. This

correspondence serves to protect our client's right to appeal OPA 258 to the Ontario Municipal Board, should it be required. We also reserve the right to raise additional comments and concerns as OPA 258 is subject to further refinement and Council approval.

Please keep us apprised of the status of OPA 258 by providing us with copies of any further staff reports, notice of any further public meetings, committees of Council and Council meetings and copies of all decisions made by Council, that are concerned with this OPA.

Should you have any questions respecting this request, kindly contact the writer at your earliest convenience.

Yours truly,



Cal: Calvin Lantz

CWL/nla

cc. Ulli S. Watkiss, *Clerk, City of Toronto*
Melissa Cristofoli, *RioCan Management Inc.*