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August 6, 2014

**By E-Mail to [pgmc@toronto.ca](mailto:pgmc@toronto.ca)**

City of Toronto  
Planning and Growth Management Committee  
10th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

**Attention: Nancy Martins, Committee Secretariat**

Dear Ms. Martins:

**Re: Dupont Street Regeneration Area Study  
Proposed Official Plan Amendment and Zoning Amendment  
Submission by 1095909 Ontario Limited  
Agenda Item: PG35.6**

We are counsel to 1095909 Ontario Limited, which has an interest in lands municipally known as 328, 330, 332, 344 and 358 Dupont Street in the City of Toronto (the "Lands").

The Lands are located on the north side of Dupont Street, west of Spadina Road, and are currently occupied by multiple buildings containing various commercial uses, including existing buildings within 30 metres of the adjacent CP rail corridor.

On May 31, 2010, our client filed an Official Plan Amendment application with the City (File No. 10 184959 STE 20 OZ), proposing to redesignate the Lands, together with the adjacent lands at 374 Dupont Street, from *Employment Areas* to *Mixed Use Areas*. That application was subsequently appealed to the Ontario Municipal Board (OMB Case No. PL110543) and the appeal currently remains outstanding.

We understand that at its meeting on August 7, 2014, the City's Planning and Growth Management Committee will be considering a report from the Chief Planner and Executive Director, City Planning Division, recommending that City Council amend the City's Official Plan and former City of Toronto Zoning By-law



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438-86 for certain lands north of Dupont Street (including the westerly portion of the Lands) based on the City-initiated Dupont Street Regeneration Area Study.

Based on our review of the draft Official Plan and Zoning Amendments, it appears that the westerly portion of the Lands are proposed to be subject to a new Site and Area Specific Policy in the Official Plan, and that the westerly portion of the Lands (within 30 metres of the CP rail corridor) would be rezoned IC D2 and subject to a number of new development standards.

We are writing to advise that our client is opposed to the proposed amendments for a number of reasons, including the following:

1. The proposed Official Plan Amendment fails to redesignate the Lands to a *Mixed Use Areas* designation;
2. The proposed Official Plan Amendment, in many instances, uses language that is ambiguous and does not provide a level of clarity that is appropriate for an Official Plan document;
3. The proposed Official Plan Amendment fails to recognize that certain portions of the Dupont corridor are appropriate locations for significant mixed-use intensification; in particular, that portion of the corridor east of Bathurst Street (including the Lands), which are located within the City's *Downtown* (an identified Urban Growth Centre within the *Growth Plan for the Greater Golden Horseshoe*) and in close proximity to the Dupont Subway Station;
4. The proposed Official Plan Amendment seeks to establish built form and massing policies (together with proposed Urban Design Guidelines) that are inappropriate and unnecessarily restrictive;
5. The proposed Official Plan Amendment seeks to establish inappropriate and unnecessary requirements that are proposed to apply to any new development;
6. The proposed Official Plan Amendment seeks to establish inappropriate and unnecessarily restrictive policies regarding land use and mitigation requirements for lands within 30 metres of the CP rail corridor, and fails to appropriately recognize existing uses and buildings within this area;



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7. The proposed Official Plan Amendment seeks to establish inappropriate policies to guide the review of potential rail safety mitigation measures for new development;
8. The proposed Zoning By-law Amendment fails to rezone the Lands to an appropriate zone category to accommodate mixed-use intensification;
9. The proposed Zoning By-law Amendment seeks to establish an inappropriate and unnecessarily restrictive set of land use and development permissions for lands within 30 metres of the CP rail corridor, and fails to appropriately recognize existing uses and buildings within this area;
10. The proposed Zoning By-law Amendment seeks to establish an inappropriate and unnecessarily restrictive maximum amount of residential gross floor area on lots within the area subject to the proposed amendment;
11. The proposed Zoning By-law Amendment seeks to establish inappropriate and unnecessarily restrictive built form and massing standards and requirements; and
12. The proposed Zoning By-law Amendment seeks to impose inappropriate requirements that are proposed to apply to any new development.

Kindly ensure that we are notified of any decision(s) of the Committee and/or City Council regarding this matter.

In the meantime, please do not hesitate to contact us if you have any questions concerning this submission.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

A handwritten signature in blue ink that reads "Mark R. Flowers".

Mark R. Flowers  
Professional Corporation

copy: Paul Wynn and Jeffrey Wynn, 1095909 Ontario Limited  
Sarah Phipps, City Planning Division