

February 18, 2015

Our File No: 121214

BY EMAIL

Chair and Members of Toronto & East York Community Council
City Clerk's Office, City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. R. Dyers, Committee Administrator

Dear Chair and Members:

Re: TEYCC Item 4.8: Downtown East Planning Study and Proposed Official Plan Amendment No. 82

We act on behalf of Dundas Residences Inc., the owner of 175-191 Dundas Street East and 235 Jarvis Street, located at the southeast corner of Dundas Street East and Jarvis Street in the City of Toronto. On August 18, 2014, our client filed an application to amend the Zoning By-law in relation to the above referenced lands to permit a 47 storey mixed-use building containing street related retail uses and residential units above (City File No: 14 208177 STE 27 OZ).

The property is designated Mixed Use Areas in the City's Official Plan. This proposal conforms to the policies of the Plan and no Official Plan Amendment is required.

The Downtown East Planning Study Report, including proposed Official Plan Amendment No. 82 ("OPA 82"), was issued by staff on July 8, 2014 and presented to City Council on August 25, 2014. This study proposes a Garden District Site and Area Specific Policy which would apply to the area, including the subject site, and contemplates the development of a tall building on our client's property.

While the proposed Official Plan Amendment had not been adopted by Council, the submitted rezoning application was prepared in the context of this emerging policy framework. Nevertheless, based on well-established caselaw, the policies of this new Amendment, if adopted by Council at this time, should not be applied retroactively to restrict development on the subject site and we therefore request that a statement be included in OPA 82 to reflect same.

Please provide the undersigned with notice of adoption of this proposed Official Plan Amendment.

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Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/jh

cc: Client

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