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DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

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Matter No. S855-04

November 2, 2015

DELIVERED

Chair and Members
Toronto and East York Community Council
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

**Attention: Ms. Ros Dyers,
TEYCC Administrator**

Dear Councillor Layton and Members of Community Council:

**RE: Item No. TE12.8 – Refusal Report re: 217 Adelaide Street West – Zoning Amendment
- Letter of Objection filed on behalf of Sun Life Assurance Company of Canada**

Please be advised that we are the solicitors for Sun Life Assurance Company of Canada ("Sun Life"), the owner of the properties municipally described as 100 Simcoe Street and 211 Adelaide Street West. These properties are located adjacent to and immediately east of 217 Adelaide Street West, which is the subject of the Refusal Report before you at your meeting to be held on November 10, 2015.

The purpose of this letter is to reiterate our client's strong objection to the rezoning application for 217 Adelaide Street West and to indicate our support for the recommendations contained in the City's Refusal Report dated October 22, 2015.

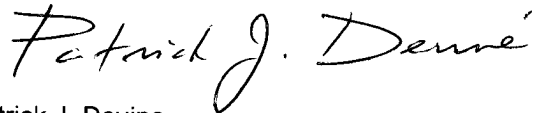
The reasons for our client's objection are contained in our letter addressed to the Planning Manager, Ms. Lynda Macdonald, dated September 30, 2015. A copy of the letter and its attachment are enclosed. Subsequent to that letter, my client and I attended the community consultation meeting held on October 5, 2015. Nothing in that meeting or any subsequent information provided to us would cause us to change our views in any way. As noted on Page 14 of the Refusal Report, Sun Life's site at 211 Adelaide Street West and 100 Simcoe Street is an appropriate size and configuration to allow for its redevelopment with a future tall building and meet the required separation distances. It is not good land use planning to allow, in Planning staff's words, the owner of 217 Adelaide Street West to "... export separation requirements to others". That is exactly what the current rezoning application attempts to do.

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For the reasons contained in my letter to Lynda Macdonald dated September 30, 2015 and as further articulated in the City's Refusal Report dated October 22, 2015, we support City Council in refusing the Zoning By-law Amendment application at 217 Adelaide Street West. Kindly provide us with further notice with respect to all continuing actions by the City or by the applicant with respect to this matter.

Yours very truly,

Devine Park LLP

A handwritten signature in black ink that reads "Patrick J. Devine". The signature is written in a cursive style with a large, stylized initial 'P'.

Patrick J. Devine

PJD/mp
Enclosure

- cc: Councillor Joe Cressy
- cc: Ms. Lynda Macdonald, Planning Manager
- cc: Ms. Joanna Kimont, City Planner
- cc: Sun Life Assurance Company of Canada

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Matter No. S855-04

September 30, 2015

DELIVERED BY EMAIL (lmacdon1@toronto.ca)

Community Planning
Toronto and East York District
City of Toronto
18th Floor, East Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

**Attention: Ms. Lynda Macdonald,
Manager**

Dear Ms. Macdonald:

**RE: Planning Application for 217 Adelaide Street West
- Letter of Objection filed on behalf of Sun Life Assurance Company of Canada**

Please be advised that we are the solicitors for Sun Life Assurance Company of Canada ("Sun Life"), the owner of the properties municipally described as 100 Simcoe Street and 211 Adelaide Street West. These properties are located adjacent to and immediately west of 217 Adelaide Street West. The purpose of this letter is to express our client's strong objections to the planning application for 217 Adelaide Street West in respect of which a community consultation meeting has been scheduled for Monday, October 5, 2015.

The essence of our client's objection is clearly demonstrated in an excerpt from the Planning and Urban Design Rationale Report prepared by Bousfields Inc. dated June, 2015 for the applicant developer. Enclosed with this letter, please find a copy of Page 84 from the Bousfields Inc. report. In particular, I would draw your attention to "Figure 27 – 3-Tower Block Analysis". As you will see from Figure 27, as it relates to the Sun Life properties, the 217 Adelaide Street West project is proposing a zero building setback distance from its easterly lot line. Rather, the entire 20 to 25 metre setback required under the City's Tall Buildings Guidelines is totally provided on my client's property. The effect of this is to transfer the applicant developer's obligations on to a neighbouring property.

In this regard, you may be aware of a recent decision of the Ontario Municipal Board issued on July 22, 2015 with respect to a property located at the southeast corner of Dundas Street East and Jarvis Street (OMB Case No. PL141461). In that case, the applicant developer was proposing to provide a 5 metre setback on its property with the expectation that the remaining 15 metre setback (to create a 20 metre separation distance) would be provided on the abutting neighbour's property. For obvious reasons, the Board found this to be inequitable and unfair and refused to approve the By-law approving that development.

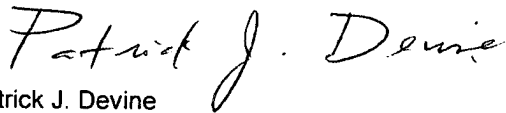
With respect to the 217 Adelaide Street West application, the situation is even worse. In this case, the applicant developer is providing no setback from its easterly property line and, instead, imposes the full 20 to 25 metre separation distance on Sun Life's property. This is totally inequitable and unfair and places limitations on the future redevelopment of our client's properties. In that regard, our client has been actively reviewing redevelopment options for its properties which can fully meet the Tall Buildings Guidelines on its own site without imposing itself on its neighbour.

In addition, the applicant developer of 217 Adelaide Street West proposes that, in order to mitigate against the impact that a 56-storey building would have on the future redevelopment of the Sun Life properties, it proposes a solid blank wall on its easterly elevation. Accordingly, not only is the applicant expecting Sun Life to provide the required separation distance on its property, but it is also anticipating that Sun Life would be content to have any future redevelopment on its property face a solid blank wall. For obvious reasons, this is totally unacceptable.

Accordingly, please accept this letter as a letter of objection expressing our client's strenuous opposition to the planning application for 217 Adelaide Street West. If you require any further information with respect to our client's position, kindly contact the writer at your earliest convenience. As well, please provide us with continuing notice of all City actions with respect to this matter.

Yours very truly,






Devine Park LLP



Patrick J. Devine

PJD/mp
Enclosure

- cc: Councillor Joe Cressy
- cc: Joanna Kimont, City Planner
- cc: Sun Life Assurance Company of Canada

-  Block Plan Area
-  Subject Site
-  Proposed tower location
-  Possible future tower locations (s)
-  Existing/approved tower locations

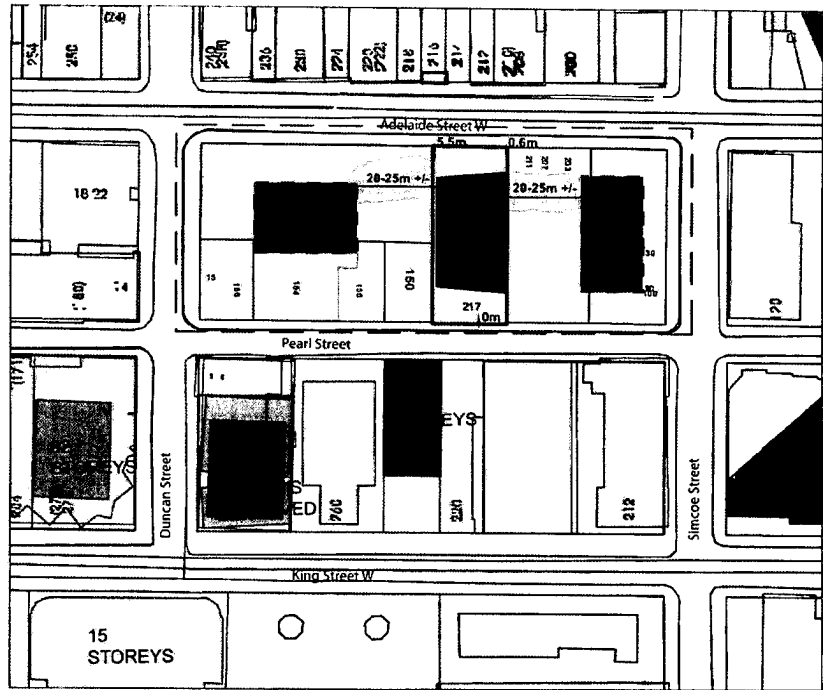







Figure 27 - 3-Tower Block Analysis

-  Block Plan Area
-  Subject Site
-  Proposed tower location
-  Possible future tower locations (s)
-  Existing/approved tower locations

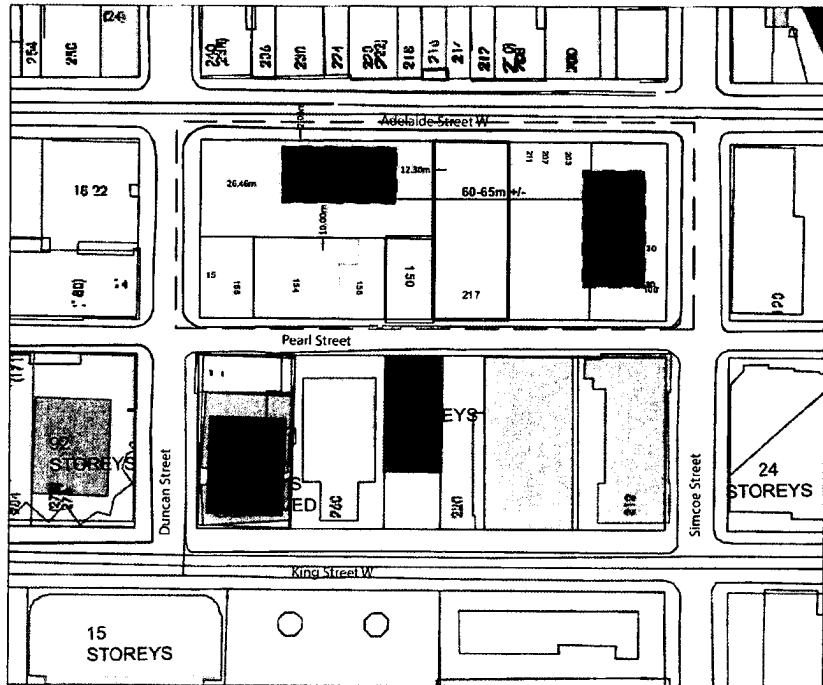


Figure 28 - 2-Tower Block Analysis