

**STIKEMAN ELLIOTT**

Stikeman Elliott LLP Barristers &amp; Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
 Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz  
 Direct: (416) 869-5669  
 Fax: (416) 947-0866  
 E-mail: CLantz@stikeman.com

**BY E-MAIL**

June 1, 2016  
 File No.: 043970.1006

City Council  
 c/o Clerks Department  
 City of Toronto  
 12th floor, West Tower, City Hall  
 100 Queen Street West  
 Toronto, ON M5H 2N2

**Attention: Ms. Marilyn Toft, Secretariat**

Dear Sirs/Mesdames:

**Re: Item TE 16.4**  
**Matter: Final Report – Lower Yonge Precinct – City Initiated**  
**Official Plan Amendment and Precinct Plan**  
**Council Mtg.: June 6 and 7, 2016**

We are solicitors for Redpath Sugar Ltd. ("Redpath"), the owner and operator of the heavy industrial sugar refinery located at 95 Queens Quay East, that is located immediately south of the Lower Yonge Precinct area, separated by Queens Quay East.

The City's external consultant's Noise, Odour and Air Quality Study identifies that the development assumed in the draft Official Plan Amendment for the Lower Yonge Precinct (with the proposed non-sensitive land use buffer) will result in Redpath being out of compliance with respect to Provincial noise guidelines, odour guidelines and air quality regulations.

The approval of the draft Official Plan Amendment for Lower Yonge Precinct is being pursued without an associated implementing zoning by-law, without knowing the nature and details of the proposed development which would allow Redpath to assess impacts and identify mitigation required to keep Redpath a viable waterfront employment use, and without a clear mechanism that would allow Redpath to secure mitigation and its maintenance.

TORONTO  
 MONTRÉAL  
 OTTAWA  
 CALGARY  
 VANCOUVER  
 NEW YORK  
 LONDON  
 SYDNEY

In addition, the draft Official Plan Amendment for the Lower Yonge Precinct is missing critical policy direction. One suggested clause to be added to the draft Official Plan Amendment is:

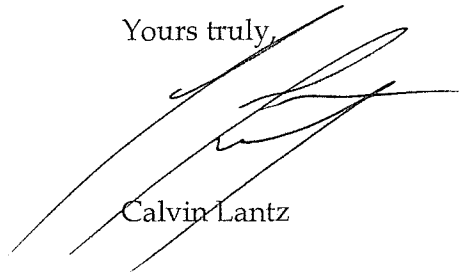
*Prior to enacting a zoning by-law or development permit by-law for the development of lands within the Lower Yonge Precinct, arrangements will be made whereby benefitting landowners will be required to pay a fair and equitable share of the costs of the design, engineering, specification, manufacture, purchase and installation of a carbonatation ventilation mitigation process at the Redpath industrial facility located at 95 Queens Quay East that is designed to reduce odour emissions from the Redpath facility.*

On the basis that the draft Official Plan Amendment for Lower Yonge Precinct is missing critical policy direction and that it is being advanced ahead of an implementing zoning by-law, an assessment of the feasibility and effectiveness of recommended mitigation and the means for securing the mitigation and its maintenance, our client is of the view that the draft Official Plan Amendment for Lower Yonge Precinct is premature.

Redpath is encouraged by the City's initiative in undertaking the Lower Yonge Precinct Official Plan Amendment. Through meaningful consultation with landowners, the public and other stakeholders, Redpath is hopeful that this planning exercise will eventually result in a policy document that will achieve compatible development in Lower Yonge Precinct while ensuring Redpath's continued viability.

Please provide us with a copy of Council's decision on this matter. If you have any questions or require any further information, please contact me to discuss. Thank you for your attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Calvin Lantz', is written over a horizontal line.

Calvin Lantz

CWL/nla

cc. J. Bamberger, Redpath Sugar Ltd.  
A. Lightstone, Valcoustics Canada Ltd.  
T. van der Vooren, Amec Foster Wheeler