

September 12, 2016

Our File No.: 117549

BY EMAIL

Honourable Mayor Tory and Members of Council
City of Toronto
12th floor, West Tower, City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Attention: Marilyn Toft, Secretariat Contact (clerk@toronto.ca)

Re: TEYCC Agenda Item 18.7
To Core: Updating Tall Building Setbacks in the Downtown – City
Initiated Official Plan Amendment and Zoning By-law Amendments

Aird & Berlis LLP represents KingSett Capital Inc., the current owner of the lands known municipally as 700 Bay Street (the “site”).

The site was the subject of a rezoning application seeking approval for the construction of a 45 storey tower in addition to the existing 24 storey LuCliff Place mixed use building on the site. Through a settlement with the City, our client revised its application to seek approval for a 31 storey tower with an eight (8) storey office addition and a four (4) storey residential addition to the existing building. Our client also resolved a settlement with the City on a generous section 37 contribution and the terms of our application under section 111 of the *City of Toronto Act* in respect of the rental housing elements of the project.

The development was approved in principal by the Ontario Municipal Board (the “Board”) at a hearing in August 2015, with the Decision issued September 4, 2015.

The Board’s final order approving the site specific by-law amendments to 438-86 and 569-2013 was issued on March 22, 2016. Since that time, our client has been finalizing its site plan submission and applications related to the retail limits on the property.

The settlement is contingent on the implementation of a specific development proposal and built form for the site which has been secured through the Minutes of Settlement. Requiring our client to comply with the proposed Official Plan Amendment (“OPA”) and Zoning By-law Amendments (“ZBLAs”) would effectively nullify the settlement which was reached at great expense to all of the parties and which required a significant use of the Board’s limited time and resources.

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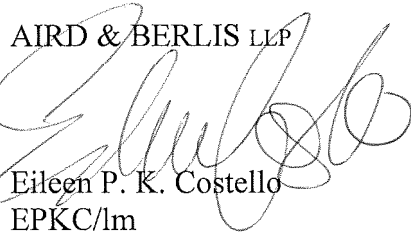
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On behalf of our client, we request that the site be exempted from the City's proposed ZBLAs and OPA with respect to "tall buildings" setbacks in the downtown area of the City.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC/lm

c: KingSett Capital Inc.

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