

# DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

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Matter No. P751-05

September 28, 2016

## DELIVERED BY EMAIL AND COURIER

Mayor and Members of Council  
c/o City Clerk's Office  
City of Toronto  
13<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M4H 2N2

**Attention: Ms. Ulli S. Watkiss,  
City Clerk**

Dear Ms. Watkiss:

**RE: City-Initiated Request to Amend the Official Plan and Zoning By-laws  
TOcore: Updating Tall Buildings Setbacks in the Downtown  
City File No: 16-103066 SPS 00 OZ  
Item No. 18.7 to be considered by City Council on October 5, 2016  
Pinnacle International (One Yonge) Limited and Pinnacle International (Seven Yonge)  
Limited**

Please be advised that we are the solicitors for Pinnacle International (One Yonge) Limited and Pinnacle International (Seven Yonge) Limited, the owners of the lands known 1 Yonge Street and 7 Yonge Street (the "**Property**").

We have reviewed the Final Report and Supplementary Report of the Director, Community Planning, Toronto and East York District dated May 27, 2016 and August 31, 2016, respectively with respect to the above-noted Official Plan Amendment and Zoning By-law Amendments (collectively, the "**Proposed Amendments**"). On behalf of our client, we are writing to express our client's objections to and concerns with the Proposed Amendments with respect to the Property.

### Background

On behalf of our client, we submitted an application for an amendment and the former City of Toronto Zoning By-law 438-86 in respect of the Property on March 6, 2013 (the "**Application**"). As City Council did not make a decision on the Applications within the requisite time periods, we filed an appeal with the Ontario Municipal Board on behalf of our client with respect to the Application.

On May 16, 2016, City Staff prepared a Request for Direction Report recommending that the City Solicitor attend the Ontario Municipal Board in support of a settlement of the Application. On July 12, 2016, City Council adopted this report. The settlement hearing has been scheduled for November 3, 2016.

### **Objections**

Our client's primary objection with respect to the Proposed Amendments is the proposed transition provisions. As drafted, the transition provisions only apply to: (1) a list of identified site-specific by-laws which would prevail over the provisions of the proposed Zoning By-law Amendments; and (2) all towers constructed pursuant to a building permit issued prior to October 4, 2016. There are no transition provisions with respect to sites with development applications under review by the City or development applications that are the subject of appeals before the Ontario Municipal Board, such as the current appeals in respect of the Property.

It is well-settled law that development applications must be reviewed and considered according to the policy and regulatory regimes in force and effect at the time of submission. Accordingly, it is inappropriate to require that existing applications, like our client's development application, adhere to policies and regulations that were approved subsequent to submission.

We respectfully encourage Council to ensure that appropriate transition provisions be incorporated within the Proposed Amendments to ensure that landowners may continue to rely on the policies and regulations in force and effect at the time of submission, consistent with the established law. Alternatively, we specifically request that the Property be exempted from the Proposed Amendments.

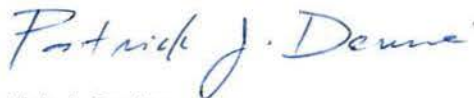
In addition to the specific objection with respect to the lack of appropriate transition provisions noted above, our client is generally concerned with the Proposed Amendments and its impact on planning in the Downtown. The Proposed Amendments, and the lack of flexibility therein, do not take into account the unique context of various area and specific sites within the *Downtown* and *Central Waterfront* which may warrant reduced setbacks. We submit that this "one-size-fits-all" approach is inappropriate given the varied contexts of all sites to which the Proposed Amendments apply and may unduly limit future development opportunities for our client.

Please accept this letter as notice of our client's objections to the Proposed Amendments. We respectfully request that we be notified of any further actions or decisions made by City Council respecting the above-noted Proposed Amendments.

If you have any questions or concerns about the matters discussed above, please contact the undersigned.

Yours very truly,

**Devine Park LLP**



Patrick J. Devine  
PJD/SHL

cc: Pinnacle International (One Yonge) Limited and Pinnacle International (Seven Yonge) Limited