

4 October 2016

Sent via E-mail & Facsimile

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, Ontario M5H 2N2

Attention: Ms. Ulli S. Watkiss, City Clerk

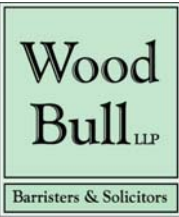
Dear Mayor and Members of Council:

**Re: Item No. TE 18.7 to be considered by City Council on October 5, 2016  
TOcore: Updating Tall Building Setbacks in the Downtown  
Submissions by CAPREIT Limited Partnership regarding, (1) Proposed Amendments to the  
Official Plan, (2) Proposed Amendments to Zoning By-law 438-86, and (3) Proposed  
Amendments to Zoning By-law 569-2013 (defined collectively below as the "TOcore  
Amendments")**

We are counsel to CAPREIT Limited Partnership ("CAPREIT"), one of Canada's largest residential landlords, and owners of a number of multi-unit residential properties within the City of Toronto, including some within the Downtown area. CAPREIT is committed to providing safe, happy homes to their thousands of residents, and working to create comfortable residential communities in which to live. As part of its mandate, CAPREIT regularly reviews its properties to determine how existing conditions can be enhanced for its current residents. That review includes identifying properties that have become underutilized and warrant intensification, to ultimately facilitate the amelioration of the property for its residents and the community.

On behalf of our client, we have been monitoring the City's TOcore planning study for the Downtown area, including the City's initiative to formalize setbacks for tall buildings, which are currently the subject of guidelines only, by adding them into the City's policy and zoning regime.

We understand that at its meeting on 5 October 2016, City Council will consider adopting amendments to its Official Plan and Zoning By-laws 438-86 and 569-2013 (collectively, the "TOcore Amendments") to implement additional criteria and setbacks for tall buildings in the Downtown. On behalf of our client, we offer the following comments / concerns to Council regarding the proposed TOcore Amendments (both policy and zoning by-laws), for its consideration.



4 October 2016

**Submissions**

As a general matter, CAPREIT is concerned that the TOcore Amendments will unduly constrain its ability to achieve appropriate intensification of its properties over the short and long term.

The TOcore Amendments adopt a one-size fits all approach, which fails to adequately acknowledge the varying site and area conditions that exist within the Downtown area. More flexibility is required to allow consideration of the various, and often unique, site and block specific configurations that exist. Allowing a more contextual analysis will not only lessen the risk of creating an unduly onerous approvals process, but also enable the architectural creativity, innovation and sound planning principles that are needed to achieve planning success in an intensification circumstance. For these reasons, the TOcore Amendments should be modified to allow greater consideration and allowance for site and block specific conditions.

Additionally, our client is concerned that the TOcore Amendments are unclear about what constitutes a “tall building”. As proposed, a building that would be considered a mid-rise building may inadvertently be caught by these amendments. Clarity around what buildings the TOcore Amendments apply to should be added.

As a final matter, it is our understanding that a final report respecting the proposed TOcore Amendments was scheduled to be provided prior to the Council meeting on 5 October 2016. As at the time of drafting this letter, it does not appear that this report has been posted. Respectfully, as a matter of proper process, Council’s consideration of the proposed TOcore Amendments should not proceed until such time that all public stakeholders have had an opportunity to review the final report and make comments if appropriate.

**Request of Council**

On behalf of CAPREIT, we hereby request that Council defer any decision on the TOcore Amendments (proposed amendments to the Official Plan, as well as the proposed amendments to Zoning By-laws 438-86 and 569-2013), until such time that the above-noted concerns have been addressed, as well as any other related issues that may arise.

We also hereby request to be notified of any meetings of City Council or Community Council where reports related to the TOcore Amendments will be considered. We also request to be notified of any decision of City Council respecting those amendments. All notification should be provided as follows:

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4 October 2016

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AND

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Yours very truly,

**Wood Bull LLP**



Johanna R. Shapira

JRS/rk

c. Client