

Eileen P.K. Costello  
Direct: 416.865.4740  
E-mail: [ecostello@airdberlis.com](mailto:ecostello@airdberlis.com)

June 13, 2016

**VIA EMAIL**

Our File No.: 120814

Toronto and East York Community Council  
City Clerk's Office  
Toronto City Hall  
2<sup>nd</sup> Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Ellen Devlin, Toronto East York Community Council Administrator

Dear Community Council Members:

**Re: Request for Deferral  
Item TE17.14 - Toronto and East York Community Council Meeting  
City Initiated Request to Amend Official Plan Zoning By-law Application  
Respecting Downtown Tall Buildings**

---

We act on behalf of Aragon (Wellesley) Development (Ontario) Corporation. Our client recently received approval for a development at 81 Wellesley Street and also has interests in other development projects in the Downtown.

We are writing with respect to the proposed changes to the City of Toronto Official Plan, former City of Toronto By-law 438-86 and City of Toronto By-law 569-2013, regarding policies/regulations for "tall buildings" in the Downtown - the area identified as generally bounded by Bathurst Street (west), Lake Ontario (south), the Don River, Rosedale Valley Road (east) and the CPR tracks (north) (the "Downtown").

We received notice that this City-initiated request to amend the Official Plan and Zoning By-laws will be considered at the upcoming Toronto and East York Community Council ("TEYCC") meeting scheduled for June 14, 2016. Upon receiving the City's notice, we requested and received a draft copy of the draft Official Plan Amendment (the "draft OPA"). Draft copies of the Zoning By-law Amendments were not available as of today. As a result of the failure of the City to circulate a draft of the by-laws, there has been insufficient opportunity for our client and its consultants to thoroughly review and consider the implications of the proposed amendments.

Accordingly, we can provide only preliminary comments at this time.

The draft OPA contains insufficient clarity and direction in respect of certain key issues. By way of example, insufficient clarity is provided as to what constitutes a "tall building" for

the purposes of this OPA and its policies. Given the apparent intent and purpose of the draft OPA, we view this as a fatal flaw.

Additionally, no transition provisions are provided in the draft OPA for properties which are, for example, the subject of development applications, appeals before the Ontario Municipal Board, or have received site specific rezoning approvals but for which site plan approval and/or building permits are pending. This is particularly germane for Aragon as 81 Wellesley has yet to be site plan approved.

The examples of zoning provisions provided in the notice appear compulsory in nature with no distinction made between certain areas within the Downtown, lot sizes and configurations or other area/site specific considerations.

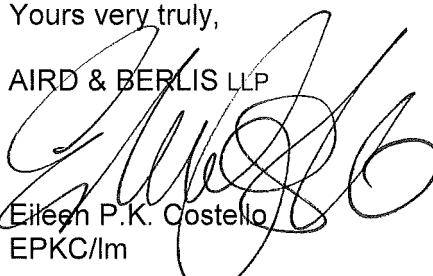
**We therefore request that TEYCC recommend that the draft OPA and draft by-laws be deferred to provide our client with a reasonable opportunity to consider the proposed amendments.**

Additionally, we formally request that the undersigned be provided with notice of any meetings of Council, Committees of Council, Community Council or Public/Community Consultation Meetings where reports related to the draft OPA and draft by-laws are to be considered. Finally, we request that the undersigned be notified of any decision of Council, Committees of Council or Community Council respecting the draft OPA and draft ZBAs.

Please contact the undersigned should you require any further information or have questions arising from this correspondence.

Yours very truly,

AIRD & BERLIS LLP

  
Eileen P.K. Costello  
EPKC/lm

cc Client

26401269.1