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June 13, 2016

**VIA EMAIL**

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

Attn: Ellen Devlin, Committee Administrator

Dear Community Council Members:

**Re: Request for Deferral  
Item TE17.14 - Toronto and East York Community Council Meeting: June  
14, 2016  
TOcore: Updating Tall Building Setbacks in the Downtown - City-Initiated  
Official Plan Amendment and Zoning By-law Amendments**

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We act on behalf of the parties listed on Schedule "A" to this letter.

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 and regulations for "tall buildings" in the Downtown.

Our clients have an interest in redevelopment lands in 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 copy of the proposed Official Plan Amendment (the "proposed OPA"). The Staff Report respecting this matter was released on June 6, 2016, one week prior to the TEYCC meeting, with no proposed Zoning By-law Amendments ("proposed ZBAs") attached for review.

As a result, there has been no opportunity for our client and its consultants to thoroughly review and consider the implications of the proposed amendments and to provide detailed instructions to our office respecting same. We are therefore writing to request that consideration of the proposed OP and proposed ZBAs be deferred to a future meeting of the TEYCC in order to provide all interested stakeholders with an opportunity to make fully informed submissions to the City.

At this time, we are able to provide the following preliminary concerns with the proposed OPA and proposed ZBAs:

1. The proposed OPA lacks clarity as to the application and implementation of the proposed policies. For example, it is unclear to us based on the current language, what is meant by a "tall building" as opposed to a mid-rise building or building element, and when the proposed policies will therefore be applied. We recognize that an Official Plan is intentionally a broad policy document but it needs, nevertheless, to be capable of clear interpretation.
2. The proposed OPA provides no transition provisions for properties which are, for example, the subject of current development applications.
3. It appears that the intent of the proposed ZBAs is to prescribe tower setback and separation regulations which are to be applied uniformly, without regard for site specific considerations or context. In our submission, this will unnecessarily restrict appropriate development in the Downtown.
4. It is unclear how 24 m has been arrived at as the base above which any portion of a building would be considered a tower. This is not something addressed in the Staff Report and the figure appears arbitrary. Again, in our submission, the application of this figure without regard for site specific considerations or context will inappropriately restrict development in the Downtown.
5. The transition provisions in the proposed ZBAs, which are designed to exclude sites for which building permits have already been issued and certain other as yet unidentified sites for which By-laws have already been passed, are inadequate. Landowners are entitled to be able to rely on the policies and regulations in force at the time of commencing an application. Appropriate and fair transition provisions should be incorporated into any By-law (and OPA) passed by Council in this regard.

A deferral and referral of this matter back to staff will also facilitate staff's consideration of our client's preliminary comments respecting the proposed amendments and enable consultation with our client and other stakeholders prior to a statutory public meeting.

We also formally request that the undersigned be provided with notice of any meetings of Council, Community Council or any Community Consultation Meetings where reports related to the draft OPA and draft ZBAs are to be considered. Finally, we request that the undersigned be notified of any decision of City Council respecting the draft OPA and draft ZBAs.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours very truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Kim K".

Kim M. Kovar.  
KMK/SJL/mn

cc: Clients

## **Schedule “A”**

1. Lamb Development Corp. and associated companies including 224 King West Inc., King Charlotte Corp., Brant Park Inc., George Richmond Inc., Bel-Three Property Management Ltd., The Harlowe Inc., Bel-East Inc., Bel Ontario Inc, L. Richmond Corp., and Camden House Inc.
2. Carttera Management Inc.
3. Greenland 355 King Street West Development Company Limited
4. Davpart Inc. and associated companies including 481 Uni Investments Inc.
5. Designer’s Walk Inc.
6. Great Gulf Group of Companies
7. Mang Investments Limited and Longevity Properties Limited
8. Harhay Construction Management Ltd., and associated companies including 111 Bathurst Inc.
9. Easton’s Group of Hotels Inc. and associated companies including Yorkville East Developments Inc. and Dundas Square Gardens Inc.
10. 214 King Holdings Limited
11. 738489 Ontario Limited
12. Capitol Buildings Properties Inc.
13. Max and Greta Holdings and Morris Glick Alter Ego Trust
14. Forty Six Spadina Ave. Limited
15. Manga Hotels (Toronto) Inc.
16. Hyde Park Homes and associated companies including ZC Investments Ltd., HPH (81 Shuter) Limited and HPH (85 Shuter) Limited
17. WAM Development Group
18. Lanterra Developments and related companies
19. 2279573 Ontario Inc. and 1418297 Ontario Limited
20. Westbank Projects Corp.

21. 500 LS Limited
22. Allied Properties REIT
23. Oak Heights Apartments Inc. and Dravidian Management Ltd.

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