

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

June 9, 2016

**VIA EMAIL**

Our File No.: 124066

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**

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We act on behalf of Fortress Charlotte 2014 Inc. in respect of its lands at 46 Charlotte Street.

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").

Our client is an established developer with many successful completed projects and has an interest in the redevelopment and intensification of lands in the Downtown generally. Additionally, it recently filed applications to pursue a development on the lands known as 46 Charlotte (corner of Charlotte and Adelaide streets).

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's date. 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 have set out in a summary manner initial comments which should be treated as such. We anticipate further comments will be forthcoming.

As a general rule, official plan policies should be broad and purposive, but still capable of clear interpretation. The draft OPA fails to achieve this balance. By way of example, insufficient clarity is provided as to what constitutes a "tall building" for the purposes of this OPA and its policies.

As noted above, no draft of the proposed zoning amendments have been provided. However, 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.

Finally, 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.

The draft amendments in their current form raise significant concerns for our client. Additionally, due to a lack of consultation on the draft amendments, there are also questions arising from same which cannot be addressed in the truncated period provided. We acknowledge that general consultation on these matters has taken place in the context of the City's TOcore initiative, however, no such consultation has occurred in respect of the actual proposed amendments with our client or many other affected landowners. Therefore our client objects to the approval on the OPA and by-laws on the basis of insufficient notice and consultation.

We therefore request that TEYCC recommend that the draft OPA and draft by-laws be deferred to provide our client (as well as other impacted property owners) 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 by-laws.

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

Yours very truly,

AIRD & BERLIS LLP

  
per: Eileen P.K. Costello  
EPKC/lm

cc Client