

Steven A. Zakem
Direct: 416.865.3440
E-mail: szakem@airdberlis.com

June 13, 2016

EMAIL

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

Attention: Ellen Devlin, Committee Administrator (teycc@toronto.ca)

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**

We act on behalf of CP REIT Ontario Properties Limited and Loblaw Properties Limited, owners and tenant, respectively, of the lands known municipally as 10 Lower Jarvis Street in the City of Toronto, which are developed for a Loblaws supermarket and other retail and service uses.

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 client and its consultant team have been participating in the ongoing Lower Yonge Precinct Plan process. At its meeting on June 7, 8 and 9, 2016, City Council instructed the City solicitor to request the Ontario Municipal Board to authorize the Central Waterfront Secondary Plan, as adopted by City Council in 2003, to be brought into force and effect for those lands within the Lower Yonge Precinct, and that the Board amend the former City of Toronto Official Plan and Central Waterfront Secondary Plan in accordance with the draft Official Plan Amendment as before City Council at this meeting. An Ontario Municipal Board hearing in respect of this matter has not been scheduled but our clients intend on participating in this proceeding. Our client also formally provided comments to City Council with respect to the draft OPA.

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 comments on behalf of our clients. Our clients' comments set out in this correspondence should be treated as preliminary. We anticipate further comments will be forthcoming.

We acknowledge that transition provisions are proposed to be included in the proposed OPA which provide that any Area Specific Official Plan Amendment within the Central Waterfront Secondary Plan shall prevail over the proposed OPA. However, it is not clear whether any similar transition provisions will be included in the proposed ZBAs for by-laws which apply to lands within the Central Waterfront Secondary Plan area, for properties which are the subject of current development applications, or matters that are currently before the Ontario Municipal Board on appeal. Appropriate transition provisions should be incorporated in any by-law or official plan amendment adopted by Council to ensure that landowners may continue to rely on the policies. This is a matter of significant interest to our client.

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 proposed OPA and proposed ZBAs on the basis of insufficient notice and consultation.

A deferral and referral of this matter back to staff will 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 hereby 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 proposed OPA and proposed ZBAs are to be considered. Finally, we request that the undersigned be notified of any decision of City Council respecting the proposed OPA and proposed ZBAs.

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

Yours very truly,

AIRD & BERLIS LLP

A handwritten signature in cursive script that reads "Shracom".

per Steven A. Zakem

SAZ/SJL

cc Client

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