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September 2, 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

**Re: TEYCC Agenda Item 18.7**  
**To Core: 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 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 have reviewed the May 27, 2016 staff report and proposed Official Plan Amendment (“OPA”) and Zoning By-law Amendments (“ZBLAs”) attached to same. We note that, at the time of writing, there was an additional placeholder report on the agenda but the details of that report were not available.

We reiterate our previous comments in respect of the proposed OPA; in our view the draft OPA contains insufficient clarity and direction in respect of certain key issues. By way of example, no definition or clear policy direction 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 continue to 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 (the “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.

With respect to the draft ZBLAs, we acknowledge that the drafts did provide for some form of transition. Our review of the transition policies however suggests that the list contains certain site specific by-laws and is not comprehensive.

For example, not all sites which have been rezoned through decisions of the Board have been captured in the list, including the Aragon site at 81 Wellesley. We continue to advocate for a more transparent and reasonable transition policy which would ensure these draft ZBLAs do not apply to sites which are the subject of Board appeals, which are currently the subject of appeals to the Board of the subject of active applications.

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.

At a minimum, we request that the property at 81 Wellesley be included in the list of exempted sites prior to any adoption of the ZBLAs. Additionally, we request that staff be directed to provide for a more comprehensive transition policy in the draft instruments.

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

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