

October 12, 2016

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VIA E-MAIL

File 15667.00001

Chair and Members
Toronto and East York Community Council
100 Queen Street West, 2nd Floor W.
Toronto, ON M5H 2N2

Attention: Ellen Devlin, Administrator
Toronto and East York Community Council

Dear Sirs/Mesdames:

**Re: Agenda Item TE 19.3, Public Meeting re Official Plan Amendments (“OPA”),
131 Farnham Avenue**

We are counsel to De La Salle College (“**Oaklands**”) in respect of matters involving the proposed development of part of the College’s lands at 131 Farnham Avenue, Toronto.

1. Objection to Changed Wording

We have received Notice that your Committee will be considering the above-noted OPA at a Statutory Public Meeting on October 13, 2016 and we would like to bring the following matters to your attention.

The OPA before the Committee is being introduced as one of the pieces of a mediated settlement before the Ontario Municipal Board.

City Council adopted the result of that mediated settlement at its Council meeting on July 12th 2016.

At the mediation before the OMB the College agreed to the enactment of an Official Plan containing two components. The first component dealt with an amendment to the City’s OPA dealing with “Views”, the second component dealt with a site specific policy to deal with the College’s playing field lands.

The College has no concerns with respect to the amendment as it deals with “Views” but it does have an objection to the wording of the proposed specific site plan policy set out in s. 1 of the proposed amendment.

At the mediation before the OMB, specific wording was agreed upon by all parties attending including our client, City representatives, local ratepayer persons and groups, to be presented to Council as follows:

“9. 131 Farnham Avenue

The lands shown as 9 on Map 6-2 are designated Institutional and the permitted uses shall only include an open area use for the purpose of a playing field, running track, and small scale accessory recreational uses.”

Prior to the July 12th meeting Ms. Amanda Hill of City Legal asked that we send a letter confirming the College would accept an OPA with that exact wording. Our letter confirming the College’s acceptance of an amendment with such wording is attached. Please note paragraph 2.

This letter and the exact wording of the proposed OPA was put before Council and adopted by Council at the July 12-15th Council meeting. In the City Council Decision of July 12th (Att. 2) at paragraph 2 “City Council authorize Planning Staff to commence City-initiated Official Plan Amendments as follows:

- a. initiate an amendment to the Yonge St. – St. Clair Secondary Plan respecting the existing playing field of the De La Salle property as set out in Confidential Appendix 4 to the report (July 12, 2016) from the Interim City Solicitor”.

Confidential Appendix 4 is attached as Att. 3 and is identical to the wording quoted above.

Unfortunately the staff report has altered that wording in s.1 of the proposed Amendment No. 357.

The College does not accept this amended wording and asks that s.1 of the proposed OPA be amended to the exact wording as agreed upon at the mediation and accepted by Council on July 12, 2016.

If this exact wording is not accepted we believe our client would have no choice but to object to the proposed amendment.

2. Concern re Coordination of Timing of All Approvals

We note that Recommendation 3 of the Final Report recommends that the Bills to Council be held in order to allow the other pieces of the settlement, particularly those planning approvals dealing with the Conical Glen development, to catch up and be finally approved.

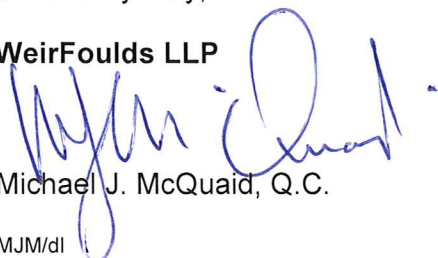
This recommendation does seem to address the concern of the College that the proposed Official Plan has proceeded ahead of the other planning approvals. If however, the Bills were somehow not held up, and even if the exact wording was restored to the proposed OPA, we reserve the right to file a "friendly" appeal of the OPAs in order to ensure that all of the pieces of the settlement come into force at the same time.

3. Conclusion

We would respectfully ask that the Committee recommend the provisions of s.1 of the proposed OPA be amended to insert the exact wording agreed upon at the mediation before the OMB and approved by Council at its July 12, 2016 meeting.

Yours very truly,

WeirFoulds LLP



Michael J. McQuaid, Q.C.

MJM/dl

Barristers & Solicitors

WeirFoulds^{LLP}

July 11, 2016

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VIA E-MAIL
 WITHOUT PREJUDICE

File 15667.00001

Legal Services, City of Toronto
 Metro Hall, 55 John Street, 26th Floor
 Toronto, ON
 M5V 3C6

Attention: Amanda Hill, City Solicitor

Dear Sirs and Mesdames:

Re: OMB Case No. PL150753
 45 Oaklands Avenue and 131 Farnham Avenue

This letter should be read in conjunction with Mr. Bronskill's letter to you dated July 11, 2016. We support the submissions made by Mr. Bronskill proposing a settlement based on the points of agreement reached at the mediation before the Board as set out in his letter.

Accordingly, and conditional on acceptance of Mr. Bronskill's proposal, on behalf of De La Salle College, I am pleased to confirm the following points of agreement relating to the issues dealing with remaining lands owned by the College:

1. With respect to the aspect of amending the Designating By-Law which involves changes to the Reasons for Designation, we confirm that the changes to the Reasons for Designation redlined in the attachment "Farnham Ave 131 – Attachment 4 ..." document would be acceptable.
2. With respect to the matter involving the appropriate designation on the existing playing field, we confirm that the College would agree to the following Official Plan Amendment to the Yonge St. – St. Clair Secondary Plan respecting the existing playing field, and the College agrees it would not appeal an Official Plan Amendment implementing such amendment.

"9. 131 Farnham Avenue

The lands shown as 9 on Map 6-2 are designated Institutional and the permitted uses shall only include an open area use for

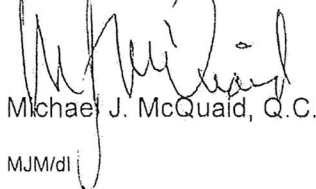
the purpose of a playing field, running track, and small scale accessory recreational uses.”

3. With respect to the issue of “views” and subject to review of the final wording of any amendment , the College also would agree to an amendment to Official Plan Policy 3.1.1, Schedule 4, which will include the designated views as shown on the “Attachment 2 – designated views” document, and the College agrees it would not appeal such an Official Plan Amendment.
4. Finally we confirm that the College confirms it is willing to enter into a revised Heritage Easement Agreement to address the revised heritage attributes prior to the final Order of the Board.

Just as Mr. Bronskill has indicated, we are hopeful this proposal will be accepted by Council at its meeting on July 12, 2016 but if it is not, we also wish to advise these settlement points made on the College's behalf should be considered withdrawn.

Yours very truly,

WeirFoulds LLP



Michael J. McQuaid, Q.C.

MJM/dl

Encl.

9413470.1

Tracking Status

- City Council adopted this item on July 12, 2016 without amendments.

City Council consideration on July 12, 2016

CC20.18	ACTION	Adopted		Ward:22
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131 Farnham Avenue and 45 Oaklands Avenue - Zoning By-law Amendment Application and Site Plan Application - Further Direction Required

City Council Decision

City Council on July 12, 13, 14 and 15, 2016, adopted the following:

1. City Council adopt the Confidential Recommendations in Confidential Attachment 1 to the report (July 12, 2016) from the Interim City Solicitor.
2. City Council authorize the public release of the Confidential Recommendations and Confidential Appendices 1, 4 and 5 to Confidential Attachment 1 to the report (July 12, 2016) from the Interim City Solicitor and City Council direct that the balance of Confidential Attachment 1 to the report (July 12, 2016) from the Interim City Solicitor remain confidential.

The following confidential recommendations in Confidential Attachment 1 to the report (July 12, 2016) from the Interim City Solicitor were adopted by City Council and are now public:

1. City Council authorize the City Solicitor to appear at the Ontario Municipal Board in support of a settlement on the basis of the plans provided on June 20, 2016 (the "Settlement Plans") subject to the following conditions:
 - a. the Settlement Plans will be revised to move the driveway currently shown to the north of the Gatekeeper's Cottage, reduce the width of the proposed parking pad to the same size as the visitor parking spaces, and move the proposed parking pad to the east (effectively placing the proposed parking pad further east where a portion of the driveway is currently shown);
 - b. the existing fire escapes will be removed from the Gatekeeper's Cottage, subject to a review of fire code compliance with the City;
 - c. the Settlement Plans will be updated to the satisfaction of urban design staff to address the materials and articulation for the proposed retaining walls and fence of the private residential terraces at the back of the townhouse units;

d. the Settlement Plans will be updated to include landscaping for a visual screen at the south end of the townhouses on Avenue Road to the satisfaction of the Manager of Heritage Preservation Services and Manager, Urban Forestry;

e. the Settlement Plans will be updated to show planting ivy on the retaining walls to encourage a green environment around the campus track field;

f. with respect to the historic gates, the west half of the historic gates is being retained in its entirety in situ. The east half of the historic gates (including posts and fencing) will be relocated in its entirety as part of the conservation initiative for the property. The Conservation Management Plan will be updated to include the method for repair of the historic gates and treatment of the north side of the Gatekeeper's Cottage including the revised parking pad layout;

g. a cost estimate for the Conservation Management Plan to the satisfaction of the Manager, Heritage Preservation Services;

h. the Functional Servicing Report and Stormwater Management Report will be revised to address the matters set out in the July 6, 2016 letter from the Manager of Development Engineering to the satisfaction of Engineering and Construction Services, including but not limited to the following matters:

i. the provision of a signed letter confirming and undertaking to the City that the owner will construct and maintain all buildings on the Property in a manner which will not discharge any private water collected from foundation drains (weeping tiles, subfloor drains), ground water collections systems (groundwater collection sump(s), pump(s), etc.) or any other type of permanent drainage system or any direct or indirect connection to the City's sewage works; and

ii. agrees to pay for and construct any improvement to the municipal infrastructure in connection with the site servicing assessment, should it be determine that upgrades are required to the infrastructure to support this development;

i. the parties agree that the Ontario Municipal Board withhold its final order regarding the rezoning appeal until the form and content of the zoning by-law amendments are acceptable to the City Solicitor and the matters listed in Parts a to h above have been satisfied; and

j. the parties agree that the Ontario Municipal Board withhold its final order regarding the site plan appeal until the final order regarding the rezoning order has issued and written confirmation has been provided from the City Solicitor noting the appropriate conditions of site plan approval and fulfillment of any pre-approval conditions, with clearance of the conditions of site plan approval delegated back to the City by the Board.

2. City Council authorize Planning Staff to commence City-initiated Official Plan Amendments as follows:

- a. initiate an amendment to the Yonge St. - St. Clair Secondary Plan respecting the existing playing field of the De La Salle property as set out in Confidential Appendix 4 to the report (July 12, 2016) from the Interim City Solicitor; and
- b. initiate an amendment to Official Plan Policy 3.1.1, Schedule 4 to include the designated views as shown on Confidential Appendix 5, Schedule 1, to the report (July 12, 2016) from the Interim City Solicitor.

3. City Council authorize the revisions to the Reasons for Designation as shown in Confidential Appendix 5 to the report (July 12, 2016) from the Interim City Solicitor.

4. City Council authorize the City Solicitor to amend the existing HEA, registered on title for the heritage property at 131 Farnham Avenue, Instrument No. CA332829, dated 15 February, 1995 and on file with the Manager, Heritage Preservation Services in accordance with the revisions to the Reasons for Designation as shown in Confidential Appendix 5 to the report (July 12, 2016) from the Interim City Solicitor.

Confidential Appendices 1, 4 and 5 to Confidential Attachment 1 to the report (July 12, 2016) from the Interim City Solicitor are now public and can be accessed under Background Information (City Council).

Confidential Attachment - Litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and advice or communications that are subject to solicitor-client privilege

Background Information (City Council)

(July 12, 2016) Report from the Interim City Solicitor on 131 Farnham Avenue and 45 Oaklands Avenue - Zoning By-law Amendment Application and Site Plan Application - Further Direction Required

(<http://www.toronto.ca/legdocs/mmis/2016/cc/bgrd/backgroundfile-94956.pdf>)

Confidential Attachment 1

(June 30, 2016) Report from the Interim City Solicitor on 131 Farnham Avenue and 45 Oaklands Avenue - Zoning By-law Amendment Application and Site Plan Application - Further Direction Required - Notice of Pending Report (CC20.18)

(<http://www.toronto.ca/legdocs/mmis/2016/cc/bgrd/backgroundfile-94784.pdf>)

Confidential Appendices 1, 4 and 5 to Confidential Attachment 1 - made public on July 22, 2016

(<http://www.toronto.ca/legdocs/mmis/2016/cc/bgrd/backgroundfile-95142.pdf>)

Source: Toronto City Clerk at www.toronto.ca/council

CC20.18 - Confidential Appendix 4 - made public on July 22, 2016
Proposed Amendment to Yonge St. – St. Clair Secondary Plan

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“9. 131 Farnham Avenue

The lands shown as 9 on Map 6-2 are designated Institutional and the permitted uses shall only include an open area use for the purpose of a playing field, running track, and small scale accessory recreational uses.”