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June 26, 2018

Via email to clerk@toronto.ca and courier

Mayor and Members of City Council
City Hall
12th floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Marilyn Toft, City Clerk's Office

Dear Sirs/Mesdames:

Re: Item PG 29.4- Enactment of Bills for TOcore Downtown Official Plan Amendment ("OPA No. 406") including proposed secondary plan for Downtown (Chapter 6, Section 41) ("Downtown Secondary Plan)

We are counsel to the parties identified in Appendix "A", as attached, all of whom have filed applications for approval pursuant to the *Planning Act* for their respective properties identified therein, but have yet to receive an unconditional, above-grade building permit.

Written submissions were previously made on behalf of the majority of these parties in our letter dated May 18, 2018, attached hereto, in advance of Council's consideration of the proposed Downtown Secondary Plan on May 22-24, 2018. As noted within that letter, the majority of the parties' properties have been the subject of a planning process that has determined their appropriate planning attributes in relation to their site-specific context, in many cases resulting either in Council's approval of the proposed instruments or a settlement with the City before the Ontario Municipal Board (now the Local Planning Appeal Tribunal). Justification for the approvals requested has, in each case, been provided, based on the consideration of the properties' specific characteristics and context. In view of these circumstances, exemptions were requested from the proposed Downtown Secondary Plan for our clients' properties in our letter of May 18, 2018 to ensure the site-specific planning determinations for each of the sites would continue to have effect.

The Downtown Secondary Plan in the form adopted by resolution of Council at its May 22-24, 2018 meeting, for future enactment, provided for no such exemptions. Neither did it include any transition mechanisms or protocol to otherwise recognize the status of pre-existing applications for planning approval that have been approved but not yet implemented, are under active consideration or are in the process of resolution through settlement or adjudication. In the absence of the requested exemptions or other appropriate transition provisions to recognize the

status of our clients' applications, the proposed Downtown Secondary Plan as currently constituted remains problematic.

As the bills to enact OPA 406 and the Downtown Secondary Plan have not yet been passed but are anticipated to be presented to Council for enactment either at its June or July meetings, we are accordingly reiterating our prior request, on behalf of all clients enumerated within Appendix "A" to this letter, that the instrument be modified to exclude each of their respective properties.

In its current form, in the absence of the site-specific exemptions requested, the proposed Downtown Secondary Plan continues to pose the same substantive concerns for each of the parties set out in the attached in Appendix "A" as were described in our letter of May 18, 2018, a copy of which is annexed hereto and incorporated within this letter.

Failing the inclusion of the requested exemptions, on behalf of all the parties set out in Appendix "A", we would request that the enactment of the adopting bills be deferred to allow for further consultation with affected stakeholders and reporting by staff, as may be required to Council, its Committees, and Community Council.

Please provide us with notice of any further Council decisions in this matter and any considerations by Council, any Committee thereof, or Community Council.

Thank you for your attention in this regard.

Yours truly,

McCarthy Tétrault LLP

Per:



Cynthia A. MacDougall

CAM

Appendix "A"

Party	Property (By municipal address)
RFT Holdings Corp.	Lands within the block bounded by Charles Street West (north), Yonge Street (east), St. Mary Street (south) and St. Nicholas Street (west)
Wellesley Residences Corp.	50 Wellesley Street East, 31-35 Dundonald Street
Widmer Residences Corp. and Plazacorp Properties Limited	8- 20 Widmer Street, 28-30 Widmer Street 315-319 Adelaide Street West
Tribute (Church Street) Limited	70-72 Carlton Street
250 Davenport Holdings Inc.	250 Davenport Road
RAD (Front-Wellington) Nominee Inc.	440,444, 450, 462 Front Street West, 425, 439, 441 and 443, 456 Wellington Street West, 6-18 Spadina Avenue, 1 and 19 Draper Street
Pier 27 Toronto Inc., Pier 27 Toronto (West) Inc., and Pier 27 Toronto (North) Inc.	7,15, 25R, 29 and 39 Queens Quay East
Infrastructure Ontario	11 and 33 Centre Avenue, 80 Chestnut Street
Infrastructure Ontario	900 Bay Street (Macdonald Block Complex)
19 Duncan Property Inc.	19 Duncan Street, 219-223 Adelaide Street West
Larco Investments Ltd.	34-50 King Street, 2 Toronto Street
Rom-Grand Waterfront Ltd., 1147390 Ontario Limited and Queen's Quay Avante Limited	178-180 Queen's Quay East
bcIMC Realty Corporation and Quadreal Property Group	Lands bounded by King Street (north), Bay Street (west), Yonge Street (east), Wellington Street West (south) including, but not limited to, 187 and 199 Bay Street, 21 Melinda Street, 25 King Street West, 30 Wellington Street and 56 Yonge Street. (Commerce Court)

Party	Property (By municipal address)
Yonge & Scollard Developments Inc.	874-878 Yonge Street, 3-11 Scollard Street
Graywood PA GP Inc.	350-354 Adelaide Street West, 102-118 Peter Street
2547575 Ontario Inc.	33 and 37 Parliament Street
2046478 Ontario Ltd., 14 Prince Arthur Ltd.	10, 14 Prince Arthur Avenue



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May 18, 2018

Via email to clerk@toronto.ca and courier

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Attention: Marilyn Toft, City Clerk's Office

Dear Sirs/Mesdames:

**Re: Item PG 29.4 – TOcore Downtown Official Plan Amendment ("OPA No. 406")
including proposed secondary plan for Downtown (Chapter 6, Section 41)
("Downtown Secondary Plan")**

We are counsel to the parties identified on the attached Schedule "A". Each of these parties has filed one or more applications for an approval pursuant to the Planning Act for its identified property but has not yet received an unconditional, above-grade building permit.

The predominance of these applications have been the subject of a planning process which has considered, and determined their respective planning attributes in the context of the site specific characteristics of the applicable property. A number of these determinations are the result of a City approval or a settlement with the City. All have provided a justification for the approval requested based on the consideration of the specific context attending each site.

Accordingly, we hereby request on behalf of each of our clients that their respective properties, as identified on Schedule "A", be exempted from the Downtown Plan, failing which the approval of the Downtown Plan in respect of such properties should be deferred to allow for further consultation and a report by City staff.

In the absence of the requested exemptions, as the proposed Downtown Plan is currently constituted our clients would be compelled to object thereto. In our clients' view the Downtown Plan does not conform to the Growth Plan for the Greater Golden Horseshoe nor is it consistent with the Provincial Policy Statement, on a fundamental level. These provincial policy instruments provide directions for, among other things, the intensification of land use to optimize the efficient use of public infrastructure. Specific targets for employment and population are established. However, the numerous new requirements that would be attached to new

development, or that could be attached, combined with the proposed restrictions on use and built-form will work against these provincial directives.

By way of example, the Downtown Plan compounds the difficulties in addressing the built-form restrictions proposed to be imposed by Official Plan Amendment No. 352 by requiring, depending on the circumstance, the maintenance of various existing non-residential uses, each with their own programmatic requirements, the provision of specific public space with its own programmatic requirements (for example, a child care facility is required in each new development where it can be accommodated), residential amenity space above-grade and specific requirements for residential unit mix and sizes. We submit that it is patent that, being compelled to satisfy each such requirement in the context of a single new development, even if these were the only new requirements in the Downtown Plan, the collective burden on new development would serve to significantly inhibit desirable intensification. We further submit that the foregoing problem serves to highlight the value of a site specific determination and thus supports our initial request hereinabove for the recognition of site-specific applications and approvals. The properties listed on Schedule "A" will collectively address the same subjects as the City requirements outlined above: matters such as the provision of office space, daycares, above-grade amenity space and residential unit size and mix, as well as such matters as affordable housing and on-site parkland. The City's objectives in those respects has thus been secured, or appropriately reflected in the applications, in response to a site specific context and concurrent with desirable intensification. The collective and inappropriately prescriptive requirements now contemplated in the Downtown Plan limit the flexibility to respond and thus limit the achievement of both the City specific objectives in this respect and intensification generally.

We reiterate the above request that all properties listed on Schedule "A" be exempted from the Downtown Plan. In any event, on behalf of our clients please provide us with notice of Council's decision in this matter as well as of any further consideration by Council, any Committee thereof, or Community Council.

Thank you for your attention in this regard.

Yours truly,

McCarthy Tétrault LLP

Per:



Cynthia A. MacDougall

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Schedule "A"

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