

AIRD BERLIS

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BL44.1.4
Re Bill 1109

July 16, 2018

BY EMAIL

City Council
Attn: Ms. Marilyn Toft, City Clerk's Office
City of Toronto
13th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor Tory and Members of Council:

Re: Proposed Downtown Plan - Official Plan Amendment No. 406

Please provide the undersigned with notice of adoption of the Downtown Plan on behalf of Canderel Management Inc. for the reasons outlined in the attached correspondence.

Yours truly,

AIRD & BERLIS LLP



per Kim M. Kovar
KMK/mm

AIRD BERLIS

Kim M. Kovar
Direct: 416.865.7769
E-mail:kkovar@airdberlis.com

July 13, 2018

BY EMAIL

City Council
Attn: Ms. Marilyn Toft, City Clerk's Office
City of Toronto
13th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor Tory and Members of Council:

Re: Proposed Downtown Plan - Official Plan Amendment No. 406

We represent the landowners identified on Appendix "A" to this letter. Our clients own numerous properties within the boundaries of proposed Official Plan Amendment No. 406, the new Downtown Plan ("Downtown Plan").

We are writing to register our clients' objections to the Downtown Plan. Our clients are concerned with a number of matters of both procedure and substance in relation to the proposed Plan. For reasons that follow, we request that this matter be referred back to City staff to allow the public a meaningful opportunity to assess and comment on the impacts of these policies, and to allow staff to remedy the substantive and procedural defects which exist.

Our clients' concerns with the Downtown Plan, include, but are not limited to, the following:

The Downtown Plan contains a number of policies, including those that discourage or restrict residential intensification, which are inconsistent with the Provincial Policy Statement 2014 ("PPS"), and do not conform with policies of the Growth Plan for the Greater Golden Horseshoe 2017 ("Growth Plan"). Both the PPS and the Growth Plan specifically promote residential intensification within the boundaries of the Downtown Plan.

The Downtown Plan also contains new designations and policies that impose overly prescriptive performance and built form standards, including mandatory residential unit mix, type, and size, building heights and setbacks, and the location and layout of interior amenity space. These policies, together with policies that require minimum non-residential gross floor area in new developments and that prohibit any net-new shadow on parks and open spaces, will jeopardize the viability of future development.

It is also problematic that the Downtown Plan does not contain transition provisions, which are critical to prevent prejudice to landowners with development applications that are already in process. Landowners ought to be entitled to rely on the policy regime in force at the time of preparing and submitting their applications. For development proposals which pre-date the adoption of OPA 406, appropriate transition provisions should be incorporated into OPA 406.

We note that the draft of the proposed OPA and the accompanying Staff Report which were brought forward to City Council for approval were released to the public only shortly prior to the Planning and Growth Management Committee meeting of May 1, 2018. In our respective submission, that is insufficient in the context of this proposed Official Plan Amendment which covers an area as large as the Downtown and raises the number and complexity of issues involved.

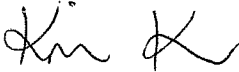
We note that the adoption of the Downtown Plan is proposed to be undertaken pursuant to Section 26 of the Planning Act, with final approval to be sought from the Minister of Municipal Affairs and Housing. In support of this approach, staff have described this process as a "partial conformity exercise" for the Growth Plan, 2017. However, despite the significant amendments made to the Planning Act in recent months, it is unclear what statutory authority exists for this "partial conformity" exercise. Any efforts to bring the Official Plan into conformity with the Growth Plan should take into account the Official Plan as a whole, rather than seeking "partial conformity" on an area by area basis. We do not agree that this is a proper or appropriate case for the use of the Section 26 process.

Further, due to recent changes to the *Planning Act*, reliance on approval by the Minister pursuant to Section 26 eliminates any further opportunity for stakeholders, including our clients, to challenge any flaws or defects in the Plan. This circumstance underscores the importance of further deliberation by the City, and reconsideration of the issues outlined above.

Please provide the undersigned with notice of any future public meetings in relation to this matter and to notice of adoption of any new Downtown Plan. Thank you.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/mm/mn



Appendix "A"

316 Bloor West Toronto Developments Ltd.
738489 Ontario Limited
Allied Properties REIT
Bazis Inc.
Berkeley Parliament Developments Limited Partnership and Berkeley Parliament Inc.
Canderel Residential Inc.
Cityzen Greybrook Limited Partnership
Concord Adex Developments Corp.
Cresford Capital Corporation
Designers Walk Inc.
Dream Alternative Trust
Dream Office REIT
Dream Unlimited
Dundeal 212 King (GP) Inc.
Easton's Group of Hotels
Forty-Six Spadina Ave. Limited
Frala Dick Holdings Inc.
Great Gulf Group of Companies Inc.
Greenland 355 King Street West Development Company Limited
Greenland Lakeside Development Company Limited
Greenpark Group of Companies
Harhay Construction Management Ltd.
Humboldt Properties
Hyde Park Homes Limited
K.P. Isberg Construction Inc.
Kingsett Capital Inc.
Lamb Development Corp.
Lanterra Developments Ltd.
Madison Group
Mang Investments Ltd.
Manga Hotels (Toronto) Inc.
Northrop Development Incorporated
Oben Flats Sherbourne
ONE Properties Limited Partnership
QC Fund 1 Inc.
RoseWater Management Group Limited
Roverella Developments Ltd.
The Cadillac Fairview Corporation Limited
Westbank Projects Corp.