

July 20, 2018

**By E-mail**

Toronto City Council  
c/o Ulli S. Watkiss, City Clerk  
City Clerk's Office, Toronto City Hall  
13<sup>th</sup> Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Ms. Watkiss:

**Re: TOcore: Proposed Downtown Plan  
Proposed Official Plan Amendment No. 406  
Agenda Item PG29.4 – Bill 1109**

We are counsel to a number of clients listed in **Appendix A**, the owners of various lands within the boundaries of the proposed Official Plan Amendment No. 406 ("OPA 406"), known as the TOcore Downtown Plan (the "Plan"). The municipal addresses of our clients' properties have been identified in Appendix A (the "Properties").

We understand that Bill 1109 to adopt OPA 406 will be considered by City Council at its meeting on July 23 – 25, 2018. We are writing to outline our clients' concerns regarding OPA 406, specifically in relation to the impacts of the Plan's policies on the development potential of the Properties.

The Plan's policies could serve to discourage residential or mixed-use intensification on the Properties, which is inconsistent with the Provincial Policy Statement, 2014 (the "PPS"), and does not conform with the policies of the Growth Plan for the Greater Golden Horseshoe, 2017 (the "Growth Plan"). Both the PPS and the Growth Plan specifically promote intensification within the City's downtown, which OPA 406 may restrict.


In addition, OPA 406 imposes overly restrictive performance and built form standards which include, but are not limited to, the "no new net shadow" on parks and open spaces and the prescribed location and layout of interior amenity spaces. The proposed "one size fits all" approach is inappropriate within the context of an Official Plan Amendment for the entire downtown, provides limited flexibility to respond to site-specific conditions, and may unduly impact the potential redevelopment of the Properties.

Furthermore, considering that some of our clients have active and continuing development applications, it is concerning that the Plan does not contain appropriate transition provisions. In our view, active development applications should not be subject to a policy regime that was not in force at the time the application was submitted. This approach is highly prejudicial and disregards the principle that landowners and developers ought to be subject only to policies in force at the time of submission.

Given our clients' concerns with the above-referenced policies, our clients' do not support OPA 406 in its current form. We therefore request that Council defer its consideration of the matter and direct City staff to meet with our client in an effort to resolve and address our clients' concerns in a substantive manner.

Lastly, we request notice of Council's July 23 - 25, 2018 decision with respect to Bill 1109 and any further meetings, staff reports or Council decisions related to OPA 406.

Yours truly,  
**DAVIES HOWE LLP**



John M. Alati

JMA:MK:DA  
encl.: As above

**Schedule A – List of Properties**

**CGIV Properties Inc. & Soprano Developments Inc.** – 154-158 Pearl Street, 15 Duncan Street, and 166 Pearl Street

**Conservatory Group et al.** – various addresses

**1373365 Ontario Ltd.** – 212 Dundas Street East

**1758173 Ontario Ltd.** – 127 Portland Street

**Bay-Elizabeth Construction Ltd. & Smye Homes Ltd.** – 70 & 100 Edward Street and 636 Bay Street

**2477879 Ontario Inc. et al.** – 301-319 King Street West