

23 July 2018

Sent via E-mail ([clerk@toronto.ca](mailto:clerk@toronto.ca))

Mayor and Members of Council  
12<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2

Attention: Ms. Marilyn Toft

Dear Mayor and Members of Council:

**Re: TOCore: Downtown Official Plan Amendment  
Council Meeting 23 - 25 July 2018  
Bill No. 1109 to adopt amendment 406 to the Official Plan  
Further Submission by Morguard Investments Limited**

We are counsel to Morguard Investments Limited (“Morguard”) which owns and/or operates a number of properties that are subject to the proposed ToCore: Downtown Official Plan Amendment (the “Downtown Plan”). On behalf of our client, we have made a written submission regarding the proposed Downtown Plan to Council on 1 May 2018 and on 22 May 2018. The latter submission attached a letter from our client’s planning consultant, Bousfields, that outlined their planning concerns with the Downtown Plan for Council’s consideration.

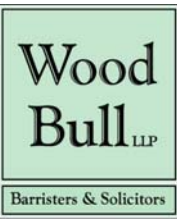
### **Bill 1109 Should be Deferred**

We note the Downtown Plan will be before Council for adoption at its forthcoming meeting in the form of Bill No.1109. The Downtown Plan presented to Council for adoption has not addressed the concerns our client has raised in its prior submissions. Accordingly, on behalf of Morguard, we hereby request that Council defer Bill 1109 until further consultation can occur on the plan.

In addition to our client’s previous submissions, we raise the following for Council’s consideration, which further support our client’s request for a deferral of this matter.

### **Policy 6.6 of the Downtown Plan is Premature**

Policy 6.6 of the Downtown Plan requires, among other things, that there to be a net gain of gross floor area of office uses, and no net loss of other non-residential uses. As we have previously indicated, it is our client’s position that this provision should be revised to allow for flexibility on a case by case basis.



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We note that a substantively similar office replacement policy is contained at policy 3.5.1 (9) of Official Plan Amendment No.231("OPA 231"), which is currently under appeal to the Local Planning Appeal Tribunal (the "LPAT") by our client and others. Respectfully, it is premature to adopt policy 6.6 of the Downtown Plan until the LPAT adjudicates policies 3.5.1(9) through the OPA 231 appeal process; to proceed otherwise would effectively undermine that appeal process. Accordingly, policy 6.6 of the Downtown Plan should not be adopted by Council at this time.

On behalf of Morguard, we also continue to be seriously concerned with staff's position that the Downtown Plan is a Section 26 amendment. For the reasons stated in our previous submissions, we request that Council request staff to reconsider its position in this regard.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in blue ink, reading "Jshapira", is positioned below the firm name.

Johanna R. Shapira

JRS/rk

c. Client

encls.