

*\* Certified by the Law Society as a Specialist in Civil Litigation*

May 22, 2018

By email [clerk@toronto.ca](mailto:clerk@toronto.ca)

His Worship Mayor John Tory and Members of the City Council  
10th floor, West Tower, City Hall  
100 Queen St. West  
Toronto, ON M5H 2N2  
Attention: Ms. Ulli Watkiss

Your Worship and Members of the City Council:

**Re: Toronto City Council Meeting May 22-24, 2018  
Downtown Secondary Plan, Official Plan Amendment OPA 406 Agenda Item PG29.4**

We are the solicitors for Toronto Terminals Railway Co. Ltd. ("TTR") and Canadian National Railway ("CNR") with respect to the above-noted matter.

TTR and CN are the largest single property owners of development rights and Strata above 27 feet above the top of the rail of the track in the Union Station Rail Corridor ( the "USRC") (including the former CN High Line Rail Corridor) between Strachan Avenue on the west and the Don River on the east.

TTR and CN USRC Property Strata were created as a result of the sale of the USRC by TTR and CN in 2000 to GO Transit with these rights being expressly retained by CN and TTR for the purpose of future development of buildings and structures within and above the USRC and former CN High Line rail corridor.

In 2013, TTR and CN entered into an agreement with Craft Acquisitions Corporation (hereinafter "Craft") and P.I.T.S. Developments Inc. (P.I.T.S.) to sell their development rights and property strata over, under and within that portion of the Union Station Rail Corridor (USRC) roughly bounded by Blue Jays Way (on the east), Bathurst Street (on the west), Front Street (on the north) and Ice Boat Terrace (on the south).

In addition to the Agreement with Craft and P.I.T.S. TTR and CN have sold other USRC CN and TTR Property Strata over the last 17 years to permit development of structures within and above the USRC in other locations to achieve these goals, by construction, inter alia , of:

1. Cambridge Ivanhoe Plaza between Bay and Yonge
2. Skydome Hotel Plaza and entrance
3. Walkway to the north of the Skydome on the south side of the USRC between John and Blue Jay Way overhanging USRC

Standard Life Centre, Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9

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As City Council is also aware, our client appealed OPA 395 (the Rail Deck Park OPA) to the Ontario Municipal Board and subsequently the Local Planning Appeal Tribunal and a hearing on that appeal is awaiting a hearing. The reasons in support of the appeal are numerous and overlap with our clients' objections to OPA 406 on a larger scale.

Proposed Official Plan Amendment 406 denies the development rights and potential of the our clients' USRC Property Strata and is not consistent with the Provincial Policy Statement, fails to conform to the Growth Plan, and fails to comply with the City's in-force Official Plan.

It also fails to recognize the existing development rights afforded the USRC property strata in the City's Official Plan and corresponding Secondary Plans.

Please acknowledge receipt of this correspondence in writing. Kindly ensure that we receive a copy of the City's decision and provide the author with notice of adoption of any Official Plan Amendment adopted pursuant to this process.

Yours very truly,

A handwritten signature in blue ink that reads "Barry Papazian" with a stylized flourish underneath.

BARRY B. PAPAZIAN

BBP:dab

copy: The Toronto Terminals Railway Co. Ltd

copy: Canadian National Railway Company