

23 July 2018

Sent via E-mail (clerk@toronto.ca)

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

Attention: Ms. Marilyn Toft

Dear Ms. Toft:

**Re: Midtown in Focus: Final Report
Council Meeting, 23 July 2018, Item PG31.7
Submissions by CAPREIT Limited Partnership**

We are counsel to CAPREIT Limited Partnership (“CAPREIT”) in connection with the Midtown in Focus initiative for the Yonge-Eglinton Secondary Plan area and draft Official Plan Amendment No. 405. As noted in our previous correspondence on this matter, CAPREIT has an interest in multiple properties within the Yonge-Eglinton Secondary Plan area, including 141 Davisville Avenue, 111 Davisville Avenue, 33 Davisville Avenue, 321 Chaplin Crescent, 411 Duplex Avenue/33 Orchard View Boulevard and 124 Broadway Avenue.

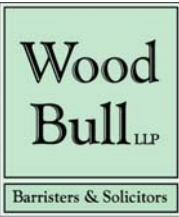
We understand that OPA 405 will be considered by Council at its meeting on 23 July 2018.

Further to our previous submissions on this matter, as well as those of WND Associates, we have had an opportunity to view the Supplementary Reports dated 26 June 2018 and 19 July 2018 and wish to provide additional comments for Council’s consideration.

As with previous submissions, these comments are being provided strictly without prejudice to our client’s position that its development application for 141 Davisville Avenue is not subject to the Midtown in Focus initiative or OPA 405 since the amendments post-date the application.

Prioritizing Infrastructure

Policy 2.2.2(4)(e) of the *Growth Plan for the Greater Golden Horseshoe* requires municipalities to develop a strategy to achieve intensification targets by “prioritizing planning and investment in infrastructure and public service facilities that will support intensification”. OPA 405 does not address



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the prioritization of infrastructure improvements that support intensification and is therefore not in conformity with the *Growth Plan*.

Section 26

We remain seriously concerned with City staff's apparent continued position that the proposed official plan amendment is a Section 26 amendment.

As outlined in our previous correspondence, OPA 405 cannot reasonably be considered part of the City's five-year review process, and is therefore not properly a Section 26 amendment pursuant to the *Planning Act*. Section 26 should not be used as a tool to shield what is properly a Section 17 amendment from being appealed to the Local Planning Appeal Tribunal. This approach amounts to an abuse of the planning process as contemplated by the *Planning Act*.

Yours very truly,

Wood Bull LLP

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

Johanna R. Shapira

JRS/af

c. Client