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April 4, 2018

VIA EMAIL & ORIGINAL BY COURIER

City of Toronto
c/o Chair and Members of Etobicoke York Community Council
399 The West Mall, Main Floor
Etobicoke, Ontario
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**Re: City Initiated High Park Apartment Neighbourhood Area Character Study
Status Report
Reference Numbers 17 243796 WPS 00 TM**

We are solicitors for M Park Place Corp. and 2463588 Ontario Inc., the owner of lands known as 111 Pacific Avenue, 255 Glenlake Avenue and 66 Oakmount Road. Our client is a participant in the "working group" process identified in the above-captioned report (the "Report"). At this juncture our client would like to take the opportunity to provide preliminary comments on the Report. The report appears to be intended to be an overview and "road map" for the study process both to date and going forward, which bears some comment.

In summary, we feel that a number of the possible policy directions set out in the Report:

1. Are reaching outside of the mandate of the study and are implicitly being applied to the current applications;
2. Are variably too restrictive and too vague;
3. Are unclear and occasionally contradictory especially with respect to the public realm, and
4. Have been framed in a way that may not translate into either a reasonable guideline or a reasonable Official Plan SASP policy.

At the outset, it should be noted that the Report describes what "Character Defining Elements" are to be studied. It does not include descriptions or characterization as of yet as might serve as a foundation for future policy discussions.

However, in the absence of the above, the Report then includes an extensive listing of "Draft Guiding Principles" (the "Draft"). Unfortunately, without an understanding of the baseline description of area character the Draft cannot be interpreted in any meaningful way. When one reviews the Draft, it is immediately apparent that the meaning of numerous provisions would vary dramatically based on whether such was a building or site design guideline intended for

detailed design purposes, or area-wide official plan policy intended to inform the principle of development for an affected block. As just one example in this respect, it is obvious that a direction in the Draft to “Respect and reinforce the open landscaped character between buildings and along street frontage” is capable of widely different interpretation and thus implementation.

In this regard, much of the language in the Draft is inappropriately absolutist: the use of the words such as “minimize” “maximize” or “ensure” if implemented as official plan policy, suggests a rigidity which is incompatible with the direction of the Official Plan, which balances the various interests of the various stakeholders, both localized and more broadly based. Conversely, other parts of the Draft are so vague that the potential implementation is very difficult to infer. One example of this is the suggestion to “Reinforce the sense of place, indigenous history and cultural land natural heritage, through engaging elements and features within the public realm”.

We note also that the provisions in the Draft are in some circumstances sufficiently vague that it is unclear whether the purposive provisions of the Official Plan are being replaced with arbitrary directions. As just one example, in the Official Plan “transition” is to be undertaken in furtherance of the Plan’s policies, whereas in the Draft it reads as a goal of itself, thereby becoming arbitrary in application.

We note also that the Draft provides a number of directions for additions to the public realm. This type of provision requires careful crafting. These are very different implications flowing from, for example, a publicly accessible walkway as compared to the dedication of a new public park.

With respect to the topic of public contributions on a more abstract level, the Draft also explicitly provides for affordable housing. We submit that this is not an element which is derived from any description of the area, and thus should not be an issue here, given the intent of the study as outlined in the Report.

Finally, in addition to the implications of the foregoing on the process in this matter going forward, we would like to comment on the process more generally. At the outset of the working group process, City staff explicitly advised that the process was not intended to address the applications in the study area which were subject to appeal. Our client has observed that this initial focus has now shifted to one in which the applications, including that of our client, are increasingly central. We submit that the interests of all would be better served by a return to the original focus on future planning, to minimize confusion on the appropriate policy parameters to be applied in each situation.

Our client and its team will continue to comment in this process. Please do not hesitate to contact us in this regard.

Yours truly,



John A.R. Dawson

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