

**Ministry of
Municipal Affairs
and Housing**

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JUL 20 2018

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Your Worship
Mayor John Tory
City of Toronto
Office of the Mayor
City Hall, 2nd Floor
100 Queen St. W.
Toronto ON M5H 2N2

Dear Mayor Tory:

**Re: City of Toronto Official Plan Amendment No. 231, Site and Area Specific Policy No. 426
MMAH File No.: 20-OP-146732-231
City of Toronto Official Plan Amendment No. 411, Unilever Precinct Plan Secondary Plan
MMAH File No.: 20-OP-184206
Approval of policy changes applying to the East Harbour (former Unilever) site in the Lower Don Special Policy Area**

I am pleased to respond to your request for the approval of Site and Area Specific Policy No. 426 ("SASP 426") adopted by City of Toronto Council as part of Official Plan Amendment No. 231 ("OPA 231") on December 18, 2013 and modified by City Council on March 26, 2018, and the approval of Official Plan Amendment No. 411 ("OPA 411"), the Unilever Precinct Secondary Plan, adopted by City Council on June 28, 2018. The instruments apply to the East Harbour (former Unilever) site, and its surrounding area, which is located within the Lower Don Special Policy Area ("SPA") and provide for a comprehensively planned, intensified employment precinct. Given this, the joint approval of the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry is required.

The proposed policies as contemplated by SASP 426, and further implemented by OPA 411, were reviewed by the Ministry of Municipal Affairs and Housing ("MMAH") and the Ministry of Natural Resources and Forestry ("MNRF") to address policy 3.1.4(a) in the Provincial Policy Statement, 2014 (the "PPS"). This policy requires that changes to official plan policies, land use designations or boundaries for SPA lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications.

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As you know, the Protocol Regarding the Lower Don Special Policy Area (“the Protocol”) was signed by the City of Toronto and the Province in April 2018. An amendment to Ontario’s Building Code to restrict occupancy in the Lower Don area was recently made. The Protocol sets out steps to coordinate and sequence approvals for new and intensified development in the Lower Don SPA, concurrent with flood protection infrastructure to address flood risk and public health and safety, and property damage. Flood protection infrastructure is anticipated to unlock future development potential, generate jobs and drive innovation.

In accordance with the Protocol, the public authorities rely on the Toronto and Region Conservation Authority (“TRCA”) to determine when the flood protection infrastructure is deemed complete and functional, and at the Province’s request, the hydraulic modelling carried out by or on behalf of the TRCA will be peer reviewed and verified by an independent, professional engineer.

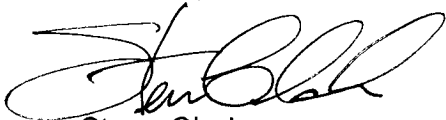
I am pleased to inform you that the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry approve the policy changes as proposed in SASP 426 to OPA 231 and OPA 411, subject to the following:

- a. As a condition of development approval, the City shall advise proponents of development in the Lower Don SPA of the risks associated with the construction of buildings and/or structures in advance of flood protection infrastructure being complete and functional.
- b. The City shall require that proponents of development seeking approvals in advance of flood protection infrastructure being complete and functional:
 - i. prepare an Emergency Management Plan to the satisfaction of the City, in consultation with TRCA, addressing the protection of human health and safety and the protection of property (site, buildings, equipment) during and after construction until the TRCA has confirmed in writing that the site is permanently flood protected; and
 - ii. enter into an agreement(s) with the City that:
 - A. addresses the protection of public health and safety, the protection of property, the acceptance of all risk by the proponent and the removal of any liability for public authorities; and
 - B. includes a complete indemnification, to the satisfaction of the City in consultation with the TRCA and MMAH/MNRF, of all public authorities from any liability and costs, including those due to (i) property damage, injury or loss of life due to flooding during and after construction until the flood protection infrastructure is complete and functional from a flood plain management perspective; and, (ii) losses due to delay caused by a failure of the flood protection infrastructure to be completed or to be completed within the anticipated time frame.
- c. The City and other public agencies shall monitor and maintain the flood protection infrastructure to confirm its continued function in accordance with the approved design, such that it provides permanent protection against future increases in regulatory flows and levels in the Lower Don area.

As you know, the approval of SASP 426 to OPA 231 and OPA 411 will allow the City of Toronto to proceed with its vision for new and/or intensified land uses within the Unilever precinct lands. This approval provides a policy framework for the future development of this area, concurrent with the construction of the flood protection infrastructure in the Lower Don SPA.

Once again, I would like to thank you and your staff for working closely with provincial staff on the Lower Don SPA, the Protocol and the preparation of these planning instruments. Please accept my best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Clark", written in a cursive style.

Steve Clark
Minister

- c: The Honourable Jeff Yurek, Minister of Natural Resources and Forestry
- Giuliana Carbone, Interim City Manager, City of Toronto
- Will Johnston, Chief Building Official/Executive Director, City of Toronto
- Gregg Lintern, Chief Planner, City of Toronto
- Kerri Voumvakis, Director, Strategic Initiatives, Policy & Analysis, City of Toronto
- Steven Heuchert, Associate Director, Toronto and Region Conservation Authority