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July 4, 2018

Via email and courier

Planning and Growth Management Committee
City of Toronto
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

**Attention: City Clerk- Nancy Martins,
Administrator, Planning and
Growth Management Committee**

To the members of Planning and Growth Management Committee:

**RE: Item PG31.1: Technical Amendments to Zoning By-law 569-2013
St. Michael's Hospital- Objection to Proposed Amendment to Zoning By-law 569-2013**

We are the solicitors for St. Michael's Hospital ("**SMH**"), a major teaching and research hospital.

SMH's lands within downtown Toronto are comprised of the main SMH hospital facility (30 Bond Street), the Li Ka Shing Knowledge Institute lands (209 Victoria Street and 38 Shuter Street) (the "**Li Ka Shing Site**") as well as the St. Michael's Health Centre lands at (61 Queen Street East). SMH has filed appeals of the City of Toronto Comprehensive Zoning By-law No. 569-2013 ("**By-law 569-2013**") in relation to each of these sites, all of which currently remain active before the Local Planning Appeal Tribunal.

On SMH's behalf, we are writing to object to the draft amendment to By-law 569-2013, as set out in Attachment 1 to the Report of June 11, 2018 from the Chief Planner and Executive Director, proposed to be considered by Planning and Growth Management Committee ("**PGMC**") at its upcoming meeting of July 5, 2018 (the "**Draft Amendment**"). Specifically, our client's objections relate to section 31 and Schedule 5 of the Draft Amendment which propose to add the lands known as 209 Victoria Street to the Zoning By-law Map in section 990.10 and to various "Overlay Maps" in ss. 995.10, 995.20, 995.30 and 995.40 of By-law 569-2013.

209 Victoria Street corresponds to a portion of SMH's Li Ka Shing Site which has been explicitly recognized to be exempt from the application of the City's comprehensive zoning by-law by order of the Ontario Municipal Board (the "**Board**") issued on February 3, 2016 OMB Case No. PL130592. The Board order in question approved a motion brought by the City of Toronto on December 17, 2015 that specifically sought to have certain properties across the City meeting the by-law's Transition Protocol excluded from By-law 569-2013's zoning map or "placed in a hole". As approved, the City's motion, supported by planning evidence of the City's planning

witness, Mr. Klaus Lehmann, brought a number of such “holes” or exclusions into effect, including those applicable to the 209 Victoria Street portion of the Li Ka Shing Site and to SMH’s main hospital facility at 30 Bond Street.

Given the recent site-specific scrutiny which has been given to the zoning of 209 Victoria Street within the context of the By-law 569-2013 appeal proceedings, the Draft Amendment to modify By-law 569-2013’s mapping to bring 209 Victoria Street within the by-law’s scope, is in our view, inappropriate and unjustified from a planning perspective.

For this reason, SMH would oppose the Draft Amendment in its current form and respectfully request that the City amend the proposed instrument as follows:

1. Deletion of Section 31;
2. Deletion of map Schedule 5, identifying the location of 209 Victoria Street.

Given that the whole of SMH’s appeal of By-law No. 569-2013 remains under adjudication before the Local Planning Appeal Tribunal at this time and has not been resolved, the modifications proposed in the Draft Amendment for 209 Victoria Street are, in our respectful submission, premature. SMH has been engaged in discussions with the City of Toronto in an effort to settle its appeals of By-law 569-2013. To this end, McCarthy Tétrault has met on SMH’s behalf with staff from City Planning as well as Legal Services and has submitted written offers of settlement for the City’s consideration. SMH is hopeful of resolving its appeals through the pursuit of these settlement discussions with the City, but in light of the status of this matter, would not support the proposed Draft Amendment in the absence of the modifications requested above.

We appreciate the PGMC’s attention to this matter. Please provide us with notice of any decisions in relation to this matter.

Yours truly,

McCarthy Tétrault LLP

Per:



Michael Foderick

MF

Cc.

Mr. Thomas Wall, City of Toronto
Mr. Klaus Lehmann, City of Toronto
Mr. Michael Keen, St. Michael’s Hospital