

November 12, 2019

**By E-Mail Only to *phc@toronto.ca***

Ms. Ulli S. Watkiss  
City Clerk  
City of Toronto  
Toronto City Hall  
100 Queen St. W., 13<sup>th</sup> Floor West Tower  
Toronto, ON M5H 2N2

***Attention: Ms. Nancy Martins, Administrator, Planning and Housing Committee***

Dear Ms. Watkiss:

**Re: Priority Retail Streets Zoning By-law Amendments  
Planning and Housing Committee Item PH10.1  
212 Dundas Street East**

We are counsel to 1373366 Ontario Ltd., the owner of lands municipally known as 212 Dundas Street East (the "Subject Lands"), in the City of Toronto (the "City"). We are also counsel to Mencor Dundas Developments Inc., who has entered into an Agreement of Purchase and Sale with 1373366 Ontario Ltd. to purchase the Subject Lands.

The Subject Lands are within an area that will become subject to the City's proposed zoning by-law amendments to former City By-law 438-86 and harmonized zoning By-law 569-2013 with respect to priority retail streets (the "Proposed By-law Amendments"). In advance of the statutory public meeting to be held on November 13, 2019 in this matter, our clients wish to express their concern and opposition to the Proposed By-law Amendments as currently written.

Our clients have a number of concerns with the Proposed By-law Amendments, as set out below:

1. The Proposed By-law Amendments do not contain any heritage building exemption to provide relief from the requirement that a minimum of 60% of the lot frontage of a property on designated streets must be dedicated to street-related retail and service uses. As the existing building on the Subject Lands is currently included on the City's Heritage Register, there is a concern that the Proposed By-Law Amendments implement a "one size fits all" approach on properties for which contextual flexibility is otherwise warranted. In particular, any future

redevelopment on the Subject Lands that incorporates the current listed building will be forced to include areas as retail space that would otherwise be more appropriate for other uses. The Proposed By-law Amendments fail to take into account the existing specific built form and structure of the listed building. Although the entrance is at grade level, the actual first floor is split such that a portion of it is a half level below grade and the other portion of this floor is a half level above grade behind the main front wall of the building.

2. The Subject Lands are located within the Dundas Corridor Character Area, which is implemented through Official Plan Amendment No. 82 ("OPA 82"). Table 4.2 in OPA 82 states that in the Dundas Corridor Character Area, a minimum of 60% of the frontage of "any new development" [emphasis added] will be retail. In its October 28, 2019 report, City Staff suggest that the Proposed Zoning By-law Amendments conform with the Official Plan. However, our clients' consultants have identified a concern related to the interpretation of Table 4.2 in light of the Proposed Zoning By-law Amendments. Greater clarification is needed to confirm the extent to which the existing listed building would be subject to the Proposed Zoning By-Law Amendments due to OPA 82.
3. We are aware of an exemption within the Proposed By-law Amendments so that buildings listed on the City's Heritage Register are not subject to the new glazing requirement. Greater certainty is required in order to confirm that the listed building on the Subject Lands will continue to be exempt should any future redevelopment occur.

Due to these concerns, we request that this item be referred back to Staff for further consideration of the Proposed By-law Amendments' impact on the Subject Lands. We also hereby request notice of any decisions related to this matter. Please do not hesitate to contact me should you have any questions.

Yours truly,  
**DAVIES HOWE LLP**



John M. Alati

JMA:JC

copy: Mr. Peter Swinton, *Innovative Development Solutions Inc.*,  
Mr. Michael Goldberg, *Goldberg Group*  
Clients