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April 22, 2019

Via Email

Toronto and East York Community Council
c/o Ellen Devlin
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

Dear Members of Community Council:

Re: 1 Front Street West and 141 Bay Street - Official Plan Amendment and Zoning Amendment Applications - Refusal Report Application No. 18 199835 STE 28 OZ

We act on behalf of 1 Front Street West Holdings Ltd. (the "**Company**") with respect to the above-noted matter.

On behalf of the Company, we are writing to respectfully request that Community Council **defer consideration** of the above-noted Refusal Report from Community Planning Staff. The reasons for our request are set out below.

Our client submitted an application for Official Plan Amendment and Zoning By-law Amendment on July 25, 2018, following extensive consultation with City Staff, community representatives and other stakeholders over the preceding 14 months, including eight meetings with City Staff (including Planning, Urban Design, Heritage, Real Estate Services), three meetings with the St. Lawrence Neighbourhood Association ("**SLNA**"), two meetings with the local Councillor, and meetings with the St. Lawrence Market and Financial District BIA's and the adjacent property owner.

Since submission of the application, the Company has continued to meet with the community (two additional meetings with the broader SLNA membership) as well as with City Staff and Councillor Cressy, the new local Councillor. At the recent community consultation meeting held on April 1, 2019, our client publicly committed to make significant changes to the proposal to address the concerns that had been raised by Staff with respect to the application. That commitment has been conveyed to Staff on numerous occasions both before and after the community meeting. The Company has also repeatedly assured City Staff that it wants to come to a resolution at the City level and does not wish to appeal its application to the Local Planning Appeal Tribunal (LPAT) given its intention to file an amended application, which would benefit from further City consideration and public scrutiny.

In short, the Company and its team are confident that a resolution to Staff's issues is achievable through collaboration with City Staff, and continued engagement with the local community, ultimately leading to a final Staff Report to Council on a revised submission in the usual course, without involvement of the LPAT.

If, instead, Council were to adopt the recommendations of the Refusal Report, it would unwillingly place the Company in a position where it would need to appeal to the LPAT, turning what should be a collaborative process into an adversarial one. We would like to avoid that outcome for a number of reasons, not the least of which is that it has the potential to delay the approval of new rental housing and the refurbishment of the public spaces around the Dominion Public Building, all of which is contrary to the broader public interest.

The Company has been advised by Staff that the purpose of the Refusal Report is to put Staff's position on the public record in the event that the applicant were to appeal the application to the LPAT as a result of the failure to make a decision within 210 days, given the legislative requirements imposed by the Bill 139 *Planning Act* changes. In this regard, we note that this Refusal Report would now form part of the municipal record should the application be appealed to the LPAT, regardless of whether Council decides to adopt the recommendations or defers consideration to allow for continued collaboration. We reiterate, however, our client's commitment not to appeal the current application on the basis of delay, and to proceed with the filing of a revised application which responds to the concerns raised by City Staff and feedback received from the local community through the public consultation process to date.

It is neither necessary nor desirable for Council to adopt the recommendation of the Refusal Report and, in our submission, were Council to do so, it would frustrate the achievement of a collaborative settlement at the City level, which in our view is well within reach. **On this basis, we reiterate our request for Community Council to the defer consideration the Refusal Report.**

Representatives of the Company will be in attendance at the Community Council to speak further to the request set out in this letter and to answer any questions.

Thank you for your consideration of this request.

Yours truly,

McCarthy Tétrault LLP



Cynthia A. MacDougall

c: Art Phillips
Peter Smith