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July 16, 2020

Our File No.: 141220

Via Email

Scarborough Community Council
Scarborough Civic Centre
3rd Floor, 150 Borough Drive
Toronto, ON M1P 4N7

Attention: Carlie Turpin

Dear Sirs/Mesdames:

Re: Item No. SC16.3 -- Golden Mile Secondary Plan -- Final Report

We are solicitors for Dundee Canada (GP) Inc. in respect of the properties known municipally in the City of Toronto as 2200-2206 Eglinton Avenue East and 1020 Birchmount Road (the “**Properties**”). We are writing on behalf of our clients to request that Scarborough Community Council (“**SCC**”) **defer any decision** regarding the draft Golden Mile Secondary Plan (the “**Draft Plan**”).

Our client still has significant concerns in respect of the Draft Plan, as do many other landowners with significant holdings within the boundaries of the Draft Plan. It is clear those concerns will not be resolved at this statutory public meeting or before City Council considers the Draft Plan at its meeting scheduled to commence on July 28, 2020. However, our client is engaged in a without prejudice working group process with City staff, which can and should continue subsequent to a deferral of this item. We hope that these discussions could result in a resolution of our client’s concerns and avoid any need for an appeal.

As you know, this planning process started in 2016 for this portion of the Eglinton Crosstown, where billions have been invested in construction of this significant infrastructure. A decision to adopt the Draft Plan in July will result in appeals of the Draft to the Local Planning Appeal Tribunal (“**LPAT**”) by our client, as well as many other landowners, leading to a lengthy LPAT hearing process. This would mean the Eglinton Crosstown would open adjacent to single-storey shopping facilities with considerable delay in achieving meaningful transit-oriented development.

There is also little benefit in moving forward with such an appeal process for the Draft Plan at this time. As recently confirmed by LPAT, the landowner appeals of their site-specific official plan amendment applications will proceed in advance of any LPAT hearing regarding the Draft Plan and without reference to the Draft Plan. The result would be site-specific exceptions to the Draft



Plan or individual site and area specific policies, as opposed to a planning document with an overall vision for the area. We question the need to adopt the Draft Plan now, when any such decision will be appealed to LPAT by many landowners and essentially left at LPAT for years and with little ultimate relevance.

In the event that SCC does not defer this item, please find attached previous correspondence from our client provided to SCC regarding the Draft Plan. We are attaching this correspondence to ensure it is before SCC as part of the statutory public meeting.

We would appreciate receiving notice of any decision made in respect of this matter.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "DB/Client", written over a light blue circular stamp.

David Bronskill

DB/

cc: Client

7074933

June 18, 2020

Our File No.: 141220

Via Email: scc@toronto.ca

Scarborough Community Council
Scarborough Civic Centre
3rd Floor, 150 Borough Drive
Toronto, ON M1P 4N7

Attention: Carlie Turpin

Dear Sirs/Mesdames:

Re: Item No. SC15.1 – Golden Mile Secondary Plan Study

We are solicitors for Dundee Canada (GP) Inc. in respect of the properties known municipally in the City of Toronto as 2200-2206 Eglinton Avenue East and 1020 Birchmount Road, (the “**Properties**”).

We are writing to indicate our client’s ongoing and significant concerns in respect of the draft Golden Mile Secondary Plan (the “**Draft Plan**”) that has been released and will be considered at a statutory public meeting to be held on July 17, 2020. Our client hopes to have additional meetings with City staff in advance of this statutory public meeting, but we are writing to Scarborough Community Council now to indicate that our client will have no choice but to appeal the Draft Plan unless significant revisions are made before it is considered by City Council.

Given the significant opposition from landowners within the boundaries of the study area and the submission of site-specific official plan amendment and/or rezoning applications, it may be prudent for Scarborough Community Council to defer consideration of this matter and direct City staff to engage in working groups or formal mediation sessions to see if issues can be resolved without the need for appeals.

Background

The Properties are located at the northwest corner of Birchmount Road and Eglinton Avenue East with a site area of approximately 6.4 hectares (15.8 acres). The Properties are currently occupied by a collection of non-residential buildings, along with two above-grade parking structures, a power-house and surface parking lots. Given the location of the Properties along the major arterial road system and LRT transit corridor, with immediate proximity to a planned transit station, the Properties are currently under-utilized and clearly a candidate for intensification in the form of a transit-oriented development.

In August 2018, our client filed an official plan amendment application (the “**Application**”) to establish a set of directions for future development of the Properties. The development vision for the Properties involves a transformation of this under-utilized site into a dynamic mixed-use community, with significant employment and residential uses within a 500-metre radius of a major transit station area. This transformative vision is supported by a number of policy directions as well as significant public sector investment in transit infrastructure. The Application would propose a street and block plan to establish development blocks within the Properties, permit a mix of uses with approximately 287,000 square metres of gross floor area, retain a minimum of 14,400 square metres of non-residential gross floor area for the purposes of office use, implement a diversity of built-form from mid-rise buildings to tall buildings and provide public parks and other private open spaces.

Our client subsequently appealed the Application to the Local Planning Appeal Tribunal, meaning that any consideration of the appropriate policies for the Properties would be resolved through this appeal and not through the Draft Plan. However, our client would prefer to work collaboratively with the City to resolve outstanding issues rather than proceed with the appeal.

Summary of Concerns

Our client remains concerned with a number of aspects of the Draft Plan. These concerns relate to matters such as height, density, delivery of the road network, the mechanism for securing public parks and other private open spaces, the use of mandatory language in the plan, over the prescriptive built-form policies and the approach to the retention of non-residential uses. Although our client appreciates that the Draft Plan does incorporate additional revisions that attempt to address some of these concerns, the current version of the Draft Plan is not acceptable. The purpose of this letter is to communicate in advance of the scheduled statutory public meeting that our client still has significant concerns with the hope that appropriate direction can be given to City staff to attempt to resolve these concerns and avoid any appeal process.

We would appreciate receiving notice of any decision made in respect of this matter.

Yours truly,

Goodmans LLP



David Bronskill
DJB/

cc: Client