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VIA EMAIL: scc@toronto.ca

Carlie Turpin
Scarborough Civic Centre
3rd floor, 150 Borough Dr.
Toronto, ON M1P 4N7

Dear Councillors:

RE: 1090011 Ontario Limited submission re: Golden Mile Secondary Plan
Scarborough Community Council Meeting, July 17, 2020, Item SC16.3
My File No.: 00005.00004

I am the lawyer for 1090011 Ontario Limited (“109”). I am writing on its behalf with comments regarding the proposed Golden Mile Secondary Plan (the “**Draft Secondary Plan**”), which is item SC16.3 on the Scarborough Community Council Agenda for July 17, 2020. My client is seeking an exception from the proposed Secondary Plan for the following reasons.

109’s current lands are located on the south side of Eglinton Avenue East, west of Lebovic Avenue. They are in the Draft Secondary Plan’s proposed General Employment Zone. Many of the tenants are major retailers, including Old Navy, Cineplex Odeon and Party City.

These lands were developed by 109 and Lebovic Avenue was constructed to service the abandoned General Motors site to permit the TTC depot, Rona Home Centre, Canadian Tire and the Eglinton Town Centre. The Company was to be reimbursed for this infrastructure through the TSI charge by the City, which has not been done. A security was posted with the City to ensure the construction of Lebovic Avenue. Even though it was completed 15-years ago and accepted by the City, the City has still not released the security. My office has been working on this release for five years and it is frustrating, to say the least.

The Eglinton Town Centre (the “**Centre**”) was completed under a site-specific policy and zoning by-law which is still in force. The new comprehensive by-law excluded this land to allow for the completion of the Centre. It also shares joint facilities with Canadian Tire that effect access, parking and maintenance, all of which would be negatively impacted by this plan. A new public road on the property would not be acceptable and would impact the viability of the development, as would any other public uses including parkland. Various policies in the Draft Secondary Plan would also have the effect of limiting the expansion of existing retail uses in such a manner that the Centre could not properly operate.

In summary, my client requires that the site be removed from the Draft Secondary Plan and left with the existing approved site-specific secondary plan and zoning approved by the Ontario

Municipal Board (the “**OMB**”). This will allow for the completion and maintenance of the commercial developments, which were recognized for revitalizing the Golden Mile

109 has worked cooperatively with the City to redevelop the Golden Mile and it seems only fair that the City continue to abide by its side of the agreement, by leaving my client’s zoning as agreed and approved by the former OMB. This would not only be fair, but it would support continued employment and economic growth in this revitalized Toronto neighbourhood.

Yours truly,

Cherniak Law Professional Corporation
per:

Jason Cherniak
Barrister and Solicitor