

# DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

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May 12, 2021

Matter No. E257-01

## VIA EMAIL

City of Toronto, Legal Services  
Planning & Administrative Tribunal Law  
Metro Hall  
26th Floor, 55 John Street  
Toronto, ON M5V 3C6

**Attention: Mark Piel, Solicitor**

Dear Mr. Piel:

**RE: 4050 Yonge Street, City of Toronto (the "Site")**  
**- LPAT Case No. PL200441 (the "Appeals")**  
**- City File Nos. 20 115845 NNY 08 OZ & 20 115847 NNY 08 SA (the "Applications")**  
**- Incorporation of City-owned Land into the Proposed Development**

We write in response to your letter dated May 5, 2021, wherein you advise it is the City's position the Applications are premature due to the fact the legal description provided does not include the lands legally described as Parts 1 & 2 as shown on Plan 66R26058 (the "**City-Owned Land**").

In response to your letter, our office has submitted an updated application form and cover letter advising that the exclusion of the City-owned Land was an oversight and correcting this technical issue. As you know, the architectural plans and all supporting materials clearly contemplate the City-owned Land being included in the proposed development. The Planning and Urban Design Rationale as well as the cover letter submitted with the Applications, clearly outline that the lands to be developed are consistent with the proposal approved by City Council in October 2016, which, as you know, include the City-owned Land. In other words, the existing zoning of the Site approved by Council contemplates the development of the City-owned Land.

As you know, under the Planning Act, there is no requirement for the owner's consent with respect to Official Plan and Zoning By-law Amendment applications.

For these reasons, the Applications can no longer be considered premature. Nevertheless our client has commenced discussions with City staff to acquire the City-owned lands. However, notwithstanding this initiative, if the City intends to take the position at the Local Planning Appeal Tribunal hearing of the Appeals that it will not commit to selling the City-owned Land to our client, then our client will submit a revised proposal that does not include such lands. This revised proposal would be submitted within the timeframe set out in the Procedural Order. Therefore, we would ask that you confirm if it is the City's position that even if the Applications are not considered premature, the City will not sell the City-owned Land to accommodate the development of the Site.

Should you have any questions or require additional information, please contact the undersigned, or my colleague Michael Cook who can be reached by phone at 416.645.4514 or by email at michael.cook@devinepark.com.

Yours very truly,

**Devine Park LLP**

A handwritten signature in blue ink that reads "Patrick J. Devine".

Patrick J. Devine  
PJD/MAC/sf

cc. Brian Haley, Director, Planning and Administrative Tribunal Law  
Gregg Lintern, Chief Planner & Executive Director, City Planning  
Al Rezoski, Acting Director, Community Planning, North York District  
Cathie Ferguson, Senior Planner, Community Planning, North York District  
Pamela Kraft, Head of Property, Planning & Development, Toronto Transit Commission  
Yonge Park Plaza Inc.