

March 7, 2022

By Email to *councilmeeting@toronto.ca*

City Council, City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Marilyn Toft, Council Secretariat

Dear Council:

**Re: City-Initiated Official Plan Amendment No. 499 and Proposed Golden Mile
Secondary Plan
Council Agenda Item: CC41.9**

We are counsel to 1941 Eglinton East Holdings Inc. (“1941 Eglinton”), the owner of the lands municipally known as 1941 Eglinton Avenue East, which is located on the south side of Eglinton Avenue and east of Warden Avenue, within the area subject to the City of Toronto’s Official Plan Amendment No. 499 (“OPA 499”) and the proposed Golden Mile Secondary Plan (the “GMSP”). 1941 Eglinton actively participated in the public planning process that preceded the City’s adoption of OPA 499 on October 30, 2020, and is one of the many appellants to OPA 499.

1941 Eglinton represents the interests and has the support of all of the other private landowners within the approximate 4 acre block bounded by Warden Avenue, Eglinton Avenue East, Prudham Gate and Civic Road (the “Subject Block”).

The Subject Block is located adjacent to a higher order transit corridor along Eglinton Avenue East (Eglinton Crosstown LRT), adjacent to a transit priority segment along Warden Avenue, adjacent to the future major transit station at the intersection of Eglinton Avenue and Warden Avenue, immediately across the street from properties planned for high-density mixed-use redevelopment on the north side of Eglinton Avenue, and there are no major industrial uses within the vicinity. As a result, the Subject Block is an ideal location for high-density mixed-use redevelopment, including residential uses.

Despite the obvious appropriateness of the Subject Block being designated for high-density mixed-use redevelopment, Schedule 1 of OPA 499 proposes to retain a *General Employment Areas* designation for the Subject Block and Maps 45-2 and 45-3 of the GMSP propose to identify the Subject Block as “Employment District” and “Employment Areas”, respectively.

These proposed employment designations, which would limit the permitted uses on the Subject Block to employment uses only, are not appropriate, do not represent good land use planning, and would likely result in the continuation of the existing low-density, automobile-oriented commercial uses with expansive areas for vehicle parking and storage for the foreseeable future. Needless to say, this result would be contrary to the objectives of numerous provincial and municipal planning policies, including those that seek to increase densities in proximity to public transit, to optimize the use of existing infrastructure, and to increase the supply and mix of housing.

We have reviewed the report from the City Solicitor, dated March 1, 2022 (the “Staff Report”), which recommends that City Council adopt the recommendations contained in a confidential attachment, and is to be considered by Council at its meeting on March 9, 2022.

We note that the Staff Report states that since the appeals against OPA 499 were filed in November 2020, the City has “engaged in Tribunal-led mediation in an attempt to resolve some or all appeals” (emphasis added).

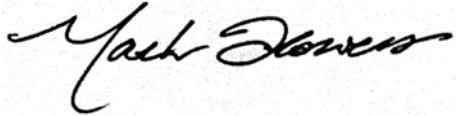
In fact, the above statement is not accurate. Although the City has been engaged in Tribunal-led mediation for several months, the issue of the appropriate land use designation of the Subject Block, which is clearly a fundamental component of our client’s appeal of OPA 499, has not been the subject of mediation.

Similarly, despite our client’s willingness and desire to engage in meaningful discussions with the City regarding the land use designation and related policies for the Subject Block in OPA 499 for more than one year, City staff have, thus far, shown no similar interest. As a result, 1941 Eglinton is becoming increasingly frustrated with the process and, consequently, intends to request that the Ontario Land Tribunal schedule a hearing as soon as possible for our client’s appeal at the upcoming Case Management Conference on April 1, 2022.

Notwithstanding this intended action, 1941 Eglinton remains willing to engage in meaningful discussions with the City regarding its appeal of the proposed land use designations and related policies for the Subject Block in OPA 499. In that regard, if Council shares this interest, we request that you direct City staff to immediately engage in these discussions with our client and its consulting team.

We thank you for your consideration of this submission, and kindly ensure that we receive notice of Council's decision regarding this matter.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Amanda Hill / Daniel Elmadany / Nathan Muscat, City of Toronto, Legal Services
Client
Michael Goldberg, Goldberg Group