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File# 8156-2631

July 18, 2022

Via E-Mail: councilmeeting@toronto.ca

Mayor and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor and Members of Council:

**Re: Draft Official Plan Amendment 591 and Draft Site and Area Specific Policy 793
4570 and 4630 Sheppard Avenue East
City Council Meeting | July 19, 2022 | Item PH35.15**

We are the lawyers for CT REIT, the owner of 4570 and 4630 Sheppard Avenue East (the **“Subject Property”**). Pursuant to Draft Site and Area Specific Policy 793 (the **“SASP 793”**) and Draft Official Plan Amendment 591 (the **“Draft OPA”**; collectively, the **“Draft Instruments”**), City staff have recommended Council approve the conversion of the Subject Property in its entirety from *General Employment Areas* to *Regeneration Areas*.

The Draft Instruments were considered at the July 5, 2022 meeting of the Planning and Housing Committee. Following a deputation on behalf of the adjacent landowner north of the Subject Property, and without further notice to the owner, the Committee heard and adopted a motion to amend SASP 793 in a manner that fails to delineate the lands subject to the Draft Instruments, contrary to the *Planning Act*. While our client is generally supportive of staff's recommendations, we are writing to express our client's strong objection to the proposed amendment.

Through the amendment, the SASP 793 map has been replaced with a map that dissects the Subject Property and leaves the northern boundary of the SASP area undefined. Ontario Regulation 543/06 sets out the requirements for all Official Plans and amendments, which include a requirement to identify the lands subject to the plan and/or amendment. In our view, it is contrary to the *Planning Act* to adopt an amendment to the Official Plan without identifying the boundaries of the lands subject to the amendment. While the land uses within an SASP may be determined through further study, the boundaries of the SASP itself is legally required to be identified.

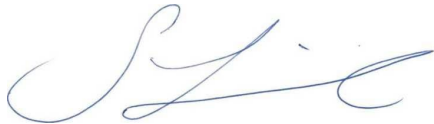
We understand the purpose and intention of the amendment was purportedly to allow for subsequent studies to determine the future extent and boundary of lands to remain designated employment. This goal has already been appropriately, and legally, addressed by City staff. SASP 793 as originally drafted prohibits any residential uses prior to the adoption of a Secondary Plan, and requires a land use plan which will determine what lands are to be designated General Employment Areas. As such, the proposed amendment does not achieve any different outcome than already proposed, but only impacts the legality of the Draft Instruments.

We request that Council refuse the proposed amendment to the Draft Instruments and adopt the defined boundary of SASP 793 as shown in Attachment 1 to the Staff Report dated June 20, 2022.

We request notice of all further meetings and decisions related to this item. Please provide such notice to the undersigned.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read 'SL', with a long horizontal flourish extending to the right.

Signe Leisk
Partner

SL/MP/OA/cm

cc: Pauline Beaupre (Pauline.Beaupre@toronto.ca)
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