



McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

Michael Foderick
Partner
Direct Line: (416) 601-7783
Direct Fax: (416) 868-0673
Email: mfoderick@mccarthy.ca

February 14, 2022

via email (phc@toronto.ca)

Planning and Housing Committee
City of Toronto
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins, Secretariat Contact

Re: PH31.1 – Development in Proximity to Rail: Amendment to the Official Plan

We act for a large group of landowners who represent prominent sites located in direct proximity to rail facilities including:

- HTC Sterling Road Property 3 Ltd., HTC Sterling Road Property 4 Ltd. and HTC Sterling Road Property 5 Ltd. (150-152 Sterling Road and 181 Sterling Road);
- i2Developments (Old Weston) Inc. (0-224 Old Weston Road & 290 Old Weston Road);
- Limen Developments Ltd. (189-195 Old Weston Road);
- 1057100 Ontario Limited (2-80 Union Street);
- Weston Road Limited Partnership (1821-1831 Weston Road);
- 578602 Ontario Inc. (100 Union Street);
- 1573416 Ontario Inc. (126 Union Street);
- H&R REIT (100 Wynford Drive);
- 1289777 Ontario Limited (1A Atlantic Avenue & 1 Jefferson Avenue); and
- 1077558 Ontario Ltd. (153 Dufferin Street).

Our clients have reviewed the Final Report for Development in Proximity to Rail, dated January 27, 2022 and object to the proposed application requirements in the Draft Official Plan Amendment in that it is not always appropriate or practical to attempt to impose these types of obligations on individual landowners, especially if they are located off-site. In addition, our clients have concerns with respect to the lack of any policies addressing matters of transition or exemption.

As proposed, the Draft Official Plan Amendment does not contain transition provisions, which are critical to prevent prejudice to landowners or developers with development projects and applications that are already approved or underway.

The Draft Official Plan Amendment should be revised to exempt pre-existing applications, approved developments and future applications that arise out of, or implement, such instruments, in keeping with long-standing principles of fairness and certainty that are the foundation of the planning system in Ontario.

Our clients respectfully request that the Planning and Housing Committee add a transitional clause to exempt applications currently filed with the City or already approved through site specific by-laws as may be amended or varied.

Should you have any questions or require any additional information, please do not hesitate to contact the writer.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Foderick', written in a cursive style.

Michael Foderick