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October 11, 2023

**Via EMAIL**

Mayor and Members of Council  
Toronto City Hall  
10<sup>th</sup> Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

Your Worship and Members of Council:

**Re: City Council – October 11, 2023  
PH6.2 - Bill 109 Implementation, Phase 3 - Recommended Official Plan and  
Municipal Code Amendments respecting Site Plan Control  
Yonge & Scollard Developments Inc.**

We are solicitors for Yonge & Scollard Developments Inc. (the “Owner”) with respect to the property known municipally as 874-878 Yonge Street and 3-11 Scollard Street (the “Property”) in the City of Toronto (the “City”). The Owner filed a minor variance application on June 30, 2023 which provides for the addition of three residential storeys to the Property and the elimination of the visitor parking requirements applicable to the Property.

The Owner is working closely with the City on the minor variance application and is in discussion with City staff on the need for a revision to its existing final Site Plan Control approval, given that the proposed changes to the site plans and drawings are substantially in accordance with the plans and drawings which have final approval.

Out of an abundance of caution, we are writing this letter to express concerns with the proposed Official Plan Amendment 688 (“OPA 688”), which proposes to require compliance with an “in-effect” Zoning By-law to be in place as part of a complete application for Site Plan Control. The Owner is concerned that the proposed policy does not recognize situations where it is appropriate to file a Site Plan Control application concurrently with or after the filing of a Zoning By-law amendment application or a minor variance application, but prior to such application’s approval. Prior to the City staff report on OPA 688 becoming publicly available, City staff had indicated to representatives of the Owner that a revised Site Plan Control application, if required, would not be accepted in this case until such time as a final and binding minor variance approval has been obtained. Accordingly, the Owner is concerned that OPA 688 will prevent the Owner from filing a Site Plan Control application until it obtains final minor variance approval. The consequence of this new policy would create unnecessary delays in obtaining

required approvals and the construction of new housing, in the context of an on-going shortage of housing.

The Owner is also concerned that the City lacks the authority to create new requirements for the filing of a Site Plan Control application, be it a new application, or a revision to an existing Site Plan Control approval.

The Owner recognizes the City's financial constraints and the need for solutions, however the approach proposed will not assist the approval process and is not in the public interest.

Given the aforementioned concerns, on behalf of the Owner, we respectfully request that City Council defer consideration of OPA 688 and the accompanying amendments to the City's Municipal Code.

Please do not hesitate to contact the undersigned should you have any questions or require further information.

Yours truly,



Cynthia A. MacDougall  
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