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October 11, 2023

Via EMAIL

Mayor and Members of Council
Toronto City Hall
10th 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
25 The West Mall**

We are the solicitors for The Cadillac Fairview Corporation Limited, Diamond Corp. and the registered landowners (CF Sherway Holdings I REC Inc., CF Sherway Holdings II REC Inc. and CF Sherway Nominee III REC Inc.) (collectively the “Group”) of the lands municipally known as 25 The West Mall (the “Property”) in the City of Toronto. The Group has been working with the City for a number of years on a master plan for the 30-hectare Property and is in the process of seeking approvals for the multi-phase redevelopment of the surface parking lot lands surrounding the existing CF Sherway Gardens Mall (the “Redevelopment”).

We have appealed Official Plan Amendment No. 469 which applies to the entirety of the Property and have filed and appealed an Official Plan amendment application for the Redevelopment to the Ontario Land Tribunal (“OLT”). Additionally, we have filed a Zoning By-law amendment application for Phase 1 of the Redevelopment (“Phase 1”). Discussions continue with the City to resolve matters and the Group is in the process of preparing materials to reflect revisions to the proposed Redevelopment based on these discussions, including a resubmission of materials in support of the Phase 1 Zoning By-law amendment application. In addition, the Group anticipates filing an application for Site Plan Control approval for the Phase 1 lands, which in our view will assist with the City’s consideration of the Phase 1 Zoning By-law amendment application. Separate applications for Site Plan Control approval will also be filed in support of future phases of the Redevelopment on the remainder of the Property.

We are writing this letter to express concerns with the proposed Official Plan Amendment 688 (“OPA 688”), which would require an in-force Zoning By-law to be in place as part of a complete application for Site Plan Control approval. The Group is concerned that proposed OPA 688 will create unnecessary delays in obtaining required approvals and the construction of new housing, in the context of an on-going shortage of housing, which is not good planning, nor in the public interest.

The Group is also concerned that proposed OPA 688 will make it more difficult for the City to assess the merits of proposed new developments where it is appropriate to consider Zoning by-law amendments and Site Plan Control applications concurrently, or prior to finalizing a Zoning Bylaw amendment. In addition, it is not clear that the City has the authority to impose new pre-conditions for the acceptance, preventing owners of lands from filing a Site Plan Control application.

These and other considerations form the basis for the Group's position that OPA 688 will hinder the City's ability to make thorough, well-informed decisions which would create additional delays and potential complications in the development approval process, and would further lead to the overall effect of delaying the construction of new development proposals, including much-needed new housing.

The Group understands the City's financial constraints and its representatives would appreciate an opportunity to work with the City to achieve potential solutions. Therefore, 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
Partner | Associée