



CC18.15 - CONFIDENTIAL APPENDIX "A" - made public on July 11, 2024

Reply to the Attention of Mary Flynn-Guglietti  
Direct Line 416.865.7256  
Email Address [mary.flynn@mcmillan.ca](mailto:mary.flynn@mcmillan.ca)  
212523  
Date May 10, 2024

**E-MAIL** ([Adrienne.deBacker@toronto.ca](mailto:Adrienne.deBacker@toronto.ca) and Cameron [McKeich@toronto.ca](mailto:McKeich@toronto.ca))

**WITHOUT PREJUDICE**

**City of Toronto Legal Services**

56 John Street, 26<sup>th</sup> Floor  
Toronto, ON  
M5V 3C6

**Attention: Adrienne deBacker & Cameron McKeich**  
**Solicitors, Planning & Administrative Tribunal Law**

Dear Ms. DeBaker and Mr. McKeich:

**Re: OLT Case No: OLT-22-002343**  
**OPA 231 – Employment Areas Land,**  
**Settlement of Amexon Property Management Corp’s**  
**appeal of OPA 231**  
**1200 Eglinton Avenue East, City of Toronto**

We are the solicitors retained on behalf of Amexon Property Management Corp. ("**Amexon**"), owners of the lands municipally known as 1200 Eglinton Avenue East in the City of Toronto. On behalf of Amexon our firm filed an appeal on July 28, 2014 to the Ontario Land Tribunal (then known as the Ontario Municipal Board) with respect to the City of Toronto’s OPA 231 ("**Amexon Appeal**"). Attached for ease of reference is a copy of the Amexon Appeal letter.

On behalf of Amexon we have been engaged in without prejudice settlement discussions with the staff of the City of Toronto to determine if a settlement of the Amexon Appeal could be achieved. Attached is a copy of the proposed modifications to amend City of Toronto OPA 231 with respect to the Amexon lands located at 1200 Eglinton Avenue East. We write this letter to confirm that approval of the attached proposed modifications to OPA 231 are satisfactory to Amexon and would resolve our client’s appeal with respect to OPA 231.

Yours truly,  
  
Mary Flynn-Guglietti

/jl

Cc: Amexon Developments Inc., Attention: Mr. Joseph Azouri  
Gagnon Walker Domes Limited, Attention: Mr. Richard Domes

# Tab 1

Reply to the Attention of	Mary Flynn-Guglietti
Direct Line	416.865.7256
Email Address	mary.flynn@mcmillan.ca
Our File No.	212523
Date	July 28, 2014

**DELIVERED BY COURIER & E-MAIL**

Ministry of Municipal Affairs & Housing  
Municipal Services Office - Central Region  
777 Bay Street, 13<sup>th</sup> Floor  
Toronto, Ontario  
M5G 2E5

**Attention: Mr. Louis Bitonti, Senior Planner**

Dear Mr. Bitonti:

**Re: Notice of Appeal pursuant to Section 17(36) of the  
Planning Act, R.S.O., 1990 c.P. 13 (the “Act”) as  
amended with respect to Official Plan Amendment No.  
231 to the City of Toronto Official Plan  
EBR Registry Number: 012-0841  
Ministry Reference Number: 20-OP-146732-231  
Employment Uses Policies  
Amexon Property Management Corp.  
1200 Eglinton Avenue East, Toronto**

We are the solicitors retained on behalf of Amexon Property Management Corp., owners of the property municipally known as 1200 Eglinton Avenue East (the “**Property**”), generally located at the northwest quadrant of Eglinton Avenue East and the Don Valley Parkway. The Property is presently occupied by a 9-storey office building and it is located within 500 metres of a planned station on the funded Eglinton Crosstown LRT route.

On December 18, 2013 the Council for the City of Toronto (the “**City**”) adopted Official Plan Amendment No. 231 (“**OPA 231**”) to establish new policies, designations and mapping for lands designated as Employment Areas and submitted same to the Minister of Municipal Affairs and Housing (the “**Minister**”) for approval on January 2, 2014. On July 9<sup>th</sup>, 2014 we received notice of the Minister’s decision to modify and approve OPA 231 (the “**Modified OPA 231**”).

The Property is currently designated as **Employment Areas** and is located at the southernmost edge of an **Employment District**. To the east and the south of the Property are lands designated as **Mixed Use Areas** or **Neighbourhoods**.

Further to the Municipal Comprehensive Review of Employment Lands completed by the City with its required five-year review of the City of Toronto Official Plan (the “OP”), in a letter to City Planning dated October 24, 2012 we requested the Property be removed from an **Employment District** designation and be modified to the **Mixed Use Areas** designation. As further described below, this request has not been adopted within the Modified OPA 231 and, accordingly, on behalf of our client kindly accept this letter as our client’s formal Notice of Appeal of the Minister’s decision to approve OPA 231 pursuant to subsection 17(36) of the *Act*. We enclose the required OMB Appeal Form as well as our firm cheque in the amount of \$125.00 payable to the Minister of Finance, representing the required filing fees.

In the Staff Report regarding the Official Plan and Municipal Comprehensive Reviews dated November 5<sup>th</sup>, 2013 (the “**Final Staff Report**”) City Planning recommended that the Property be retained as an **Employment Area** and designated it as a **General Employment Area**. City Planning further recommended that the Property be subject to Site and Area Specific Policy No. 394 that prohibits major retail uses and only permits restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale stores and services when those uses are located within the lower level floors of multi-storey buildings comprised of Core Employment Area uses.

As expressed in our letter of concern dated November 20, 2013, contrary to the Final Staff Report, the introduction of residential and sensitive non-residential uses on the site will not adversely affect the overall viability of the *Employment Area*. The re-designation of the Property to **Mixed Use Areas** would more appropriately permit a broader range of uses that would serve to complement and add to the existing surrounding uses. A **Mixed Use Areas** designation would serve to promote development of areas of the City where people can work, live and play; and promote the use of the recently approved future Light Rail Transit corridor along Eglinton Avenue. Given the Property’s location at the southernmost periphery of an Employment District, a re-designation of the Property to Mixed Use Areas would be in keeping with the key directions for changes to the employment policies in the OP and would not adversely affect the surrounding lands.

Thus, as this request for conversion from an **Employment Area** to a **Mixed Use Area** has not been adopted our client appeals the whole of OPA 231 and its policies as they relate to the Property. Accordingly, kindly accept this letter and the enclosed materials as our client's formal appeals of OPA 231 for the reasons set out above. Enclosed please find the following:

1. Ontario Municipal Board Appeal Form; and
2. Our firm cheque in the amount of \$125.00 payable to the Minister of Finance.

Yours truly,



Mary Flynn-Guglietti

CC: Amexon Developments & Heritage York Holdings Inc.  
Attention: Mr. Joe Azouri

Gagnon & Law Urban Planners Ltd.  
Attention: Mr. Richard Domes and Mr. Michael Gagnon

Paul Bain, Project Manager, City Planning

Environmental Commissioner of Ontario (416.325.3377)



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248  
FAX: (416) 326-5370  
www.elto.gov.on.ca

**APPELLANT FORM (A1)  
PLANNING ACT**

**SUBMIT COMPLETED FORM  
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

**Part 1: Appeal Type (Please check only one box)**

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

**Part 2: Location Information**

1200 Eglinton Avenue East, City of Toronto  
Address and/or Legal Description of property subject to the appeal:  
Municipality/Upper tier: City of Toronto

### Part 3: Appellant Information

First Name: Joseph Last Name: Azouri

Amexon Property Management Corp.  
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: jazouri@amexon.com  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-494-7204 Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 1200 Eglinton Avenue East, Suite 202 Toronto  
Street Address Apt/Suite/Unit# City/Town  
Ontario M3C 1H9  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature not required if the appeal is submitted by a law office.)

**Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.**

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

### Part 4: Representative Information (if applicable)

**I hereby authorize the named company and/or individual(s) to represent me:**

First Name: Mary Last Name: Flynn-Guglietti

Company Name: McMillan LLP

Professional Title: Partner

E-mail Address: mary.flynn@mcmillan.ca  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-865-7256 Alternate Telephone #: \_\_\_\_\_

Fax #: 416-865-7048

Mailing Address: 181 Bay Street Suite 4400 Toronto  
Street Address Apt/Suite/Unit# City/Town  
Ontario M5J 2T3  
Province Country (if not Canada) Postal Code

Signature of Appellant: Mary Flynn-Guglietti Date: July 23/17

**Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.**

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.



## Part 5: Language and Accessibility

Please choose preferred language: ☒ English ☐ French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

## Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

City of Toronto Official Plan Amendment No.231 – Employment Uses Policies

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). \*\*If more space is required, please continue in Part 9 or attach a separate page.

Please see attached cover letter.

**THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.**

- a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** \_\_\_\_\_  
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

- b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:  
\*\*If more space is required, please continue in Part 9 or attach a separate page.

## Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES ☐ NO ☒

Are there other planning matters related to this appeal? YES ☐ NO ☒  
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

## Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☐ half day ☐ 1 day ☐ 2 days ☒ 3 days  
☐ 4 days ☐ 1 week ☐ More than 1 week – please specify number of days: \_\_\_\_\_

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
one \_\_\_\_\_

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  
land use planner \_\_\_\_\_

Do you believe this matter would benefit from mediation? YES ☐ NO ☒  
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES ☒ NO ☐  
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? \_\_\_\_\_

## Part 9: Other Applicable Information \*\*Attach a separate page if more space is required.

Please see attached cover letter.

## Part 10: Required Fee

Total Fee Submitted: **\$125.00** \_\_\_\_\_

Payment Method: ☒ Certified cheque ☐ Money Order ☐ Solicitor's general or trust account cheque

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**
- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**

Royal Bank of Canada  
200 Bay Street  
Toronto, ON M5J 2N9

McMillan LLP

NO. 1062354

DATE 07 28 2014  
mm dd yyyy

\$ 125.00

PAY EXACTLY \*\*\*One Hundred Twenty-Five and 00/100 CAD

TO THE Minister of Finance  
ORDER OF  
Address

PER

PER

AUTHORIZED SIGNATURES

⑈ 106 2354 ⑈

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# Tab 2

PROPOSED MODIFICATIONS  
**Amendment to the City of Toronto Official Plan Amendment 231**  
**1200 Eglinton Avenue East**

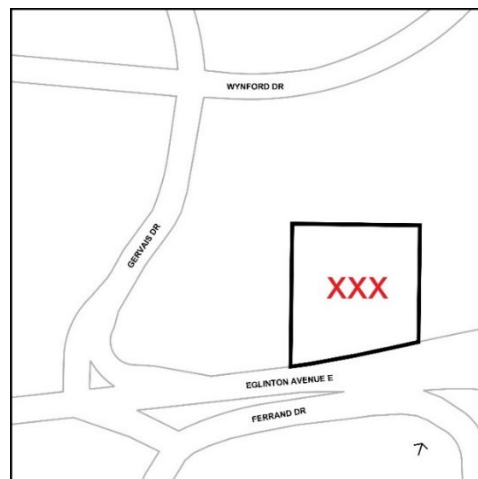
The City of Toronto Official Plan is amended as follows:

1. Map 2, Urban Structure, is amended by deleting Employment Areas on 1200 Eglinton Avenue East.
2. Map 20, Land Use Plan, is amended by re-designating 1200 Eglinton Avenue East, as shown below outlined in heavy black lines, from *General Employment Areas* to *Regeneration Areas*.



3. Chapter 7, Site and Area Specific Policies, is amended by concurrently:
  - i. removing the lands known municipally in 2023 as 1200 Eglinton Avenue East from Site and Area Specific Policy 394 – "Business Parks along the Don Valley Parkway Corridor".
  - ii. adding Site and Area Specific Policy XXX, and the associated map below, for the lands known municipally in 2024 as 1200 Eglinton Avenue East as follows:

**‘XXX. 1200 Eglinton Avenue East**



- a) All uses permitted under *the General Employment Areas* designation and *Regeneration Areas* designation, including interim uses, with the exception of residential uses, overnight accommodations, and live-work uses, are permitted on the lands prior to the completion of a local area study that results in a Secondary Plan or Site and Area Specific Policy.
- b) No form of residential uses and/or live-work uses will be permitted in *General Employment Areas* or *Regeneration Areas*, prior to the adoption of a Secondary Plan or Site and Area Specific Policy.
- c) A minimum of 1.0 times the site area, excluding lands conveyed to the City or other public body for new parks, open spaces, natural areas, streets and/or lanes, or 8,378 square metres, whichever is greater, will be non-residential gross floor area, and:
  - i) a minimum of 51 per cent of the minimum required non-residential gross floor area be comprised of uses permitted in *Core Employment Areas* and must be compatible with residential uses; and
  - ii) be developed prior to or concurrent with any residential uses on the lands in accordance with the Phasing Strategy and Implementation Plan in Policy d) ii) below.
- d) The local area study leading to the Secondary Plan or Site and Area Specific Policy will result in the following:
  - i) A Land Use Plan that provides for the redesignation of *Regeneration Areas* lands to *Mixed Use Areas*, *Apartment Neighbourhoods*, *General Employment Areas*, and/or *Parks* and *Open Space* as appropriate. The Land Use Plan will:
    - A) determine building heights and densities across the lands to be included within the Secondary Plan or Site and Area Specific Policy;
    - B) determine the list of permitted non-residential uses as well as maximum percentages of these uses that contribute to the employment gross floor area;
    - C) built form policies that outline the location, scale and massing of new development; and
    - D) compatibility between the lands and nearby land uses.

- ii) A Phasing Strategy and Implementation Plan to provide for the sequencing of development, including the provision of infrastructure and services. The Phasing Strategy:
  - A) must set out the amount of non-residential gross floor area to be constructed in each phase, prior to, or concurrent with residential gross floor area to provide a balance of employment and residential growth in all phases of development;
  - B) must consider necessary transportation and servicing infrastructure (including watermain and hydrants) to support all phases of development in accordance with the Transportation Plan; and
  - C) may include the use of holding provisions to provide for the orderly sequencing of development in phases, including the provision of infrastructure and services.
- iii) A Block Context Plan will be prepared that applies the City's "Complete Streets" principles, considers the findings of the Transportation Plan, and establishes a network of public streets, development blocks, pedestrian and cycling facilities and connections, parks and open spaces that contributes to a safe, comfortable and connected public realm, and considers potential future relocation of the existing bus terminal, with associated future right of way widening requirements and street network updates.
- iv) A Community Services and Facilities Strategy will be prepared that will:
  - A) build on the findings of the Don Mills Crossing Community Services and Facilities Profile and policies of the Don Mills Crossing Secondary Plan to provide updated recommendations that reflect the introduction of any mixed-use development;
  - B) identify appropriate community space and facilities needs, including the provision of new child care facilities, libraries, community recreation centres, schools and other community agency space; and
  - C) set out priorities to support growth which may include potential locations and phasing as well as opportunities for co-location.

- v) A Transportation Plan will be prepared that will:
  - A) build on the findings of the Don Mills Crossing - Mobility Planning Study and policies of the Don Mills Crossing Secondary Plan to provide updated recommendations to support new development;
  - B) ensure that the transportation network and infrastructure can accommodate existing and new development and provide efficient and safe transportation for all modes including cycling and walking;
  - C) identify required transportation infrastructure for the lands;
  - D) identify required transportation network improvements to support growth in the study area;
  - E) consider an area of influence including but not limited to an area bounded by Don Mills Road to the west, the CPR Railway to the north, Don River to the east and Eglinton Avenue East to the south; and
  - F) identify required measures that will provide for improved connections through the lands, and assess the potential for vehicle, pedestrian, and bicycle connections across the Don Valley Parkway corridor to the Don River to the east.
- vi) A Parks and Open Space Plan will be prepared that identifies the location of new public parks and Privately Owned Publicly-Accessible Space ("POPS").
- e) Any new development containing residential units on the lands will secure a minimum amount of affordable housing as follows:
  - i) if a condominium development is proposed, a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; and
  - ii) the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit;



- iii) the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families; and
  - iv) if a purpose-built rental development is proposed there is no requirement for affordable rental housing.
- f) Where a complete application for a Zoning By-law Amendment has not been filed within 1 year of City Council approval of any amendment creating a Secondary Plan or Site and Area Specific Policy resultant from the local area study, the affordable rental housing required in Policy e) will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.
- g) The provision of affordable housing required by Policy e) and Policy f) and shall be secured through one or more agreements with the City.
- h) If an Inclusionary Zoning By-law takes effect and becomes applicable to any development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy e) and Policy f) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of Policy e) and Policy f) above.
- i) Conditions to be met prior to the removal of a holding ("H") provision shall include the following:
  - i) Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and
  - ii) The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.
- j) As part of a complete Zoning By-law Amendment application, a Compatibility/Mitigation Study will be submitted and peer reviewed, at the applicant's expense, to the City's satisfaction, that identifies any necessary mitigation measures to be incorporated into the development design.
- k) Sensitive land uses, including new residential uses will be located, designed and buffered to mitigate impacts from, be compatible with, and not impede the continuation of and the expansion of

existing employment uses, and any new employment uses within the surrounding *General Employment Areas*.'