

October 15, 2020

VIA EMAIL: scc@toronto.ca

Carlie Turpin
Scarborough Civic Centre
3rd floor, 150 Borough Dr.
Toronto, ON M1P 4N7

Dear Councillors:

RE: 1090011 Ontario Limited submission re: draft Golden Mile Secondary Plan
Scarborough Community Council Meeting, October 16, 2020, Item SC18.1
My File No.: 00005.00004

Further to my submissions of July 16, 2020, I am writing as the lawyer for 1090011 Ontario Limited, commonly known as The Eglinton Town Centre (the “ETC”). In response to staff, I made further submissions on August 10, 2020. I also forwarded the attached letters from my client’s Real Estate Economist, Randy Grimes, and engineer, Scott Cole. Unfortunately, City staff did not respond to multiple requests to meet virtually with us. This was quite disappointing.

ETC’s current lands are located on the south side of Eglinton Avenue East, west of Lebovic Avenue. They are in the Draft Secondary Plan’s proposed General Employment Zone. Many of the tenants are major retailers, including Old Navy, Cineplex Odeon and Party City. My client initially proposed to build residential, but the City denied that application. As a result, the site was not cleaned to a residential standard and retail has been constructed. Detailed transportation planning was completed for the revitalization to support these uses and my client has already provided community benefits. After cooperating and providing these benefits to the City, the proposed Secondary Plan would make the retail development unviable in the future.

These lands were developed by ETC and Lebovic Avenue was constructed to service the abandoned General Motors site to permit the TTC depot, Rona Home Centre, Canadian Tire and The Eglinton Town Centre. As part of the approval, ETC was to be reimbursed for this infrastructure through the TSI charge by the City, which has not been done. A security was posted with the City to ensure the construction of Lebovic Avenue. Even though it was completed 15-years ago and accepted by the City, as explained by Mr. Cole, the City has still not released the security or paid the full amount owing under the TSI.

The Centre was completed under a site-specific policy and zoning by-law which is still in force. The new comprehensive zoning by-law excluded this land to allow for the completion of the Centre. It also shares joint facilities with Canadian Tire that effect access, parking and maintenance, all of which would be negatively impacted by this plan. My client expects the City

to support the continued development and success of the ETC without creating negative impacts or disruptive roads and parks that would ruin this development.

The specific policies that pose problems for my client include:

- 1) To remain viable, the Centre needs to be able to grow without development applications. Policies 4.6, 6.5, 6.10, 6.21 and 13.24 should not apply to the Centre's lands.
- 2) In the employment lands, Policy 4.7 should allow new retail development of up to 50,000 square feet.
- 3) It was always contemplated that the Centre would use surface parking. Policy 7.21 should not apply in the employment lands.
- 4) As noted above, the Centre has already provided significant public realm enhancements at the request of the City. Policy 13.7 should not apply to the Centre's lands.
- 5) A new public road on the property would impact the viability of the development. The plan should be amended to exclude a public road and park on this property.

My client still maintains that a proper resolution would be to remove the Centre entirely from the Draft Secondary Plan and leave it with the existing approved site-specific secondary plan and zoning by-law approved by the Ontario Municipal Board (the "OMB"). This will allow for the completion and maintenance of the commercial developments, which were recognized for revitalizing the Golden Mile

ETC has worked cooperatively with the City to redevelop the Golden Mile and it seems only fair that the City continue to abide by its side of the agreement, by leaving my client's zoning as agreed and approved by the former OMB. The City has an obligation to support the existing development, which has provided a TTC location and major taxes and development charges over the years, and not undercut the viability of this development by creating a public road right through a newly constructed plaza. The City would be in further breach of its obligations by refusing residential development when requested, but now requiring amendments to support dense residential development by others afterward.

I ask that you please instruct staff to meet with my client and work out some of these issues before any final consideration of this proposed Secondary Plan.

Yours truly,

Cherniak Law Professional Corporation
per:

Jason Cherniak
Barrister and Solicitor

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August 19, 2020

Mr. Jason Cherniak
Cherniak Law Professional Firm
Suite 209, 10909 Yonge Street.
Richmond Hill ON L4C 3EC

Re: 1090011 Ontario Limited

Economic Implications of Golden Mile Secondary Plan

Dear Mr. Cherniak,

I was asked to comment on the potential economic consequences to the Eglinton Town Centre of the proposed Golden Mile Secondary Plan.

This 285,000 sf shopping centre was developed on a portion of the abandoned General Motors site in the late 1990s. The original proposal for the redevelopment of the site included residential development. One of the reasons this land use was rejected at the time was the City's interest in creating employment opportunities to replace the lost jobs at the General Motors facility.

The land owned by 1090011 creates employment opportunities for some 660 persons directly on site in Scarborough with some further 530 indirect/induced employment opportunities many of which are within the City of Toronto.

Further expansion of the Eglinton Town Centre (50,000 sq ft) would provide an additional 113 direct onsite employment opportunities.

In 2020, total realty taxes amounted to just under \$2.3 million with the City of Toronto's share amounting to some \$1.3 million. The proposed expansion would contribute an additional \$400,000 per annum in realty taxes (City of Toronto some \$225,000).

As noted in Mr. Cherniak's letter of August 10, 2020, many of the policies in the proposed Golden Mile Secondary Plan discourage continued use of the lands for the current commercial retail uses. Further, these policies clearly have the effect of discouraging possible expansion of the retail commercial functions. In particular the proposed extension of Civic Road/O'Connor Drive would bisect the retail Centre and severley disrupt the course of business at the Centre by making pedestrian access to the various stores much more problematic and eliminating at grade parking spaces.

Many of the current tenants have long term leases extending in some cases until 2030. The Secondary Plan policies noted in Mr. Cherniak's August 10/2020 letter serve to place doubt on the viability of the continued tenure of these leases.

As most are aware the COVID-19 crisis has placed many retail jobs at risk and the Secondary Plan provisions, if adopted as currently drafted, will only serve to further jeopardize these jobs and tax base associated with the Eglinton Town Centre.

Retail jobs are important despite views by others that they are not as economically beneficial to the City economy. Many in the retail area are part of the "First Line" workers that all the residents of Toronto rely on to get through the current pandemic.

The City of Toronto should not be implementing policies that serve to erode the ongoing vitality of a segment of the economy that is needed currently more than ever for the reasons noted above.

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

Randy M. Grimes

cc Mr. Lloyd Cherniak

1090011 Ontario Limited

August 27, 2020

C2C CONSULTING INC.

Cherniak Law Professional Corporation
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Richmond Hill, ON
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Att: Mr. Jason Cherniak
Barrister and Solicitor

Subject: 1090011 Ontario Limited
TSI Refund/LC Release – Lebovic Ave

Dear Mr. Cherniak

We've been retained by 1090011 Ontario Limited ("109") to finalize the engineering related to this development and assist with collecting the refund due by the excess contribution to the Transportation System Improvement (TSI) Charge by the construction of Lebovic Avenue. In addition, the release of the LC still held by the old City of Scarborough in the amount of \$817,780.00 (LC# IMDC/TOR/S281022).

During the period of 2002-2003 the City, along with 109's Consulting Engineer (Larry Hennigar/Scott Cole of Cole Sherman & Associates/Cole Engineering Group) undertook final inspections and noted rectifications for the road, sewer and water works establishing the End of Guarantee Period and Assumption. Finally, in February 2007 the City recognized that 109 had an excess contribution of \$2,180,683 and processed a partial refund amount of \$1,109,807 from the TIS Reserve Fund XR2402.

We'd appreciate coordinating a meeting with you and the City to bring closure to this project and provide any assistance necessary to facilitate release of securities and any payment of the outstanding TSI refund balance.

Yours very truly,



Scott Cole P.Eng
President

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