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April 08, 2013

VIA E-MAIL & COURIER

Jeffrey Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Mr. Abrams:

**Re: City of Vaughan
Committee of the Whole – April 9, 2013 Meeting
Agenda Item 14 – Thornhill, Centre Street
Land Use Plan Modifications
City of Vaughan Official Plan 2010 – Volume 2
Section 12.10**

c15
Communication
cw: April 9/13
Item: 14

We are the solicitors for Palmerston Properties Limited, the owner of the lands known municipally as 1082 Centre Street (the "Subject Lands"). The Subject Lands have an area of approximately 0.7 acres and are located on the north side of Centre Street approximately mid-way between New Westminister Drive and Vaughan Boulevard.

The Subject Lands are currently improved by a one-storey commercial retail building of approximately 2551 square feet that is tenanted by and operated as Country Style location. Adjacent land uses are: single-detached residential to the south (on the other side of Centre Street); retail commercial and single-detached residential to the north; retail commercial (the Rio Centre Thornhill Plaza) to the east; and, retail commercial (the Main Entrance Centre) to the west.

We are writing to advise of our clients concerns with and objection to some of the proposed modification to section 12.10 of the Vaughan Official Plan 2010 (the "VOP 2010"). Our client supports the intensification of the Centre Street Corridor and therefore, in principle, supports the intent of the proposed modifications outlined in the staff report which is Item 14 on the Agenda for the April 9, 2013 meeting of the Committee of the Whole. However, our client is concerned that the proposed Land Use and Density Plan, which is Attachment 3 to the staff report, may designate the

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Subject Lands as Urban Square, essentially a parkland designation, and/or Public Street.

It is not possible to determine with certainty whether these designations, in fact, apply to the Subject Lands since Attachment 3 is not scaled and the location of these designations may be conceptual, however, it is clear that they are located in the immediate vicinity of the Subject Lands. Our client is concerned that, given the relatively small size of the Subject Lands, the application of all or part of the one or both of these designations to the Subject Lands could adversely impact, if not completely eliminate, the development potential of the site and consequently detrimentally effect the property value of the site.

As we have only recently been retained on this matter, we have not yet been able to fully analyze the impacts of the proposed modifications on our client. Out of abundance of caution, we are writing to make our concerns known to the Committee and to Council and to protect our client's appeal rights regarding the approval of the proposed modifications. We recognize that the VOP 2010 is currently under appeal and that it is not being recommended that Council adopt the modifications set out in the staff report. As the Ontario Municipal Board is now the approval authority, Council is being requested to recommend that the Ontario Municipal Board approve the proposed modifications as part of the VOP 2010 appeal process. We also note that the VOP 2010 was appealed for non-decision under section 17(40) of the *Planning Act* that the submission of concerns or objections prior to adoption is not a prerequisite for the filing of an appeal under that section.

As stated above, our client is not opposed, in principle, to the intensification of the Centre Street Corridor, however, our client is concerned that the proposed designation of the Subject Lands as Public Street and/or Urban Square, may virtually eliminate the development potential of the site.

Such a result would be contrary to good planning, especially when there are larger development parcels in the vicinity which could accommodate these uses while retaining their development potential. We would be pleased to meet with staff to discuss and hopefully resolve our client's concerns in a mutually satisfactory manner.

If you have any questions or require any clarifications regarding the above, please do not hesitate to contact the undersigned.

Yours truly,

RUEYER SCARGALL BENNETT LLP

A handwritten signature in black ink, appearing to be 'RGM', written over the firm name.

Robert G. Miller
RGM/aw

cc: client