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November 24, 2020

Reply To: Joel D. Farber  
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Our File No. 148005

**VIA EMAIL TO CLERKS@BURLINGTON.CA**

City of Burlington  
426 Brant St  
Burlington, ON L7R 3Z6

Dear Sir:

**Re: November 26, 2020 Community Planning, Regulation and Mobility Committee and  
Special Council Meeting to Consider Draft Halton Approval Decision for New  
Burlington Official Plan**

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We are the solicitors for RK (Burlington Mall) Inc., owner of the Burlington Centre located as 777 Guelph Line.

The Burlington Centre has the opportunity for significant redevelopment and intensification at transit supportive densities. Our client had participated throughout the course of the new Burlington Official Plan project to establish appropriate policies by which to enable appropriate redevelopment and intensification policies for the Centre.

At this time, and through our recent submissions on the Halton Regional OP Review, we are requesting that the status of the Burlington Centre be elevated to a primary growth area in the Burlington OP. In our submissions to Regional Council we are also seeking that the Centre ultimately be included in the proposed MTSA for the Fairview GO. Establishing the Burlington Centre as a primary growth area will allow for appropriate land use policies to enable transit oriented redevelopment and intensification.

The proposed Mixed Use Commercial Centre policies do not fully recognize the opportunity for the Burlington Centre to be a focus of redevelopment and intensification by virtue of the proposed secondary growth area status. The proposed policies related to the Mixed Use Commercial Centre designation do not adequately plan and promote redevelopment and intensification of the Centre in the context of the substantial opportunities for the site. The currently proposed policies contain restrictions on height that are not appropriate, and the redevelopment of the site may be further constrained through other prescriptive policies, including the potential requirement for area specific planning.

It is important for the City to recognize the Burlington Centre as an area of primary growth, and to allow the Burlington Centre permissions for much taller buildings and flexibility in terms of site specific phased development applications, as are now in the early stages of discussion with City staff.

Accordingly, we ask that Burlington Council request that the Region work with the our client and City planning staff to prepare additional modifications to the Burlington OP through the approval decision in order to appropriately recognize Burlington Centre as a primary growth area. The OP should contain permissions to allow for mixed use development at transit supportive densities, including tall buildings, to proceed on an immediate basis.

Yours truly,

**FOGLER, RUBINOFF LLP**

*"Joel D. Farber"*

Joel D. Farber\*

\*Services provided through a professional corporation

JDF/sz

cc: RioCan (Stuart Craig)  
Alison Enns, Project Manager – Official Plan, City of Burlington