

AIRD & BERLIS LLP

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November 25, 2009

BY EMAIL

Dennis Kelly
Regional Clerk
York Region
17250 Yonge Street
Newmarket ON L3Y 6Z1

Dear Sir:

**Re: Planning and Economic Development Committee
Scheduled for December 2, 2009
Proposed Draft York Region Official Plan ("DYROP")**

We act on behalf of Loblaw Properties Limited ("Loblaws"), owner of the property located at the north east quadrant of Major Mackenzie Drive East and Highway 404, in the Town of Markham (the "Subject Property"), as well as other properties throughout the Region of York.

Our client was engaged with the Town of Markham ("Markham") in a lengthy planning process which resulted in the approval of site specific official plan, secondary plan and zoning by-law amendments for the Subject Property. As part of a settlement with Markham, Loblaws agreed to enhanced landscaping adjacent to Major Mackenzie Drive East. Our clients' agreement with this requirement was based, in part, upon the then required right-of-way width of 36 metres planned for Major Mackenzie Drive East. In addition, our client agreed to convey, at no cost, a 20 metre right-of-way through the Subject Property in order to extend the north bound off ramp from Highway 404 to connect Major Mackenzie Drive East to Markland Street. This future road will further constrain development of the Subject Property.

The current York Region Official Plan identifies a "Regional Planned Basic Street Width" of up to 36 metres for the portion of Major Mackenzie Drive East adjacent to the Subject Property whereas the DYROP designates Major Mackenzie Drive East as a "Regional Rapid Transit Corridor" with a right-of-width of up to 45 metres. Detailed policies also allow taking of additional widths for various related elements such as sight triangles, cuts, fills, streetscaping and extra turn lanes at intersections by conveyance at no expense to the Region. None of these additional takings are known and are therefore incapable of being assessed. The combined effect of these changes would be to significantly and adversely affect our client's property, even if one assumes that half of the right-of-way would be taken from each side of the street; an assumption that is unlikely to be achieved. As such, Loblaws objects to the planned right-of-way width and to the related policies that would prohibit compensation for additional land takings.

A number of policies reference different Guidelines and Plans that development is required to implement. These documents are fluid as they can be updated from time to time without amendment to the Official Plan and, as such, could adversely affect our client's property in a manner which cannot be challenged as part of the usual planning process.

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We are also concerned that a portion of the property appears to be designated as "Significant Woodlands". We disagree with the designation and can see no basis for its inclusion in the DYROP.

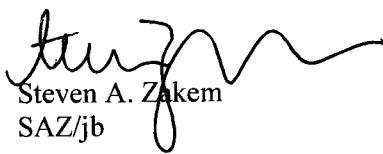
The policies and designations related to the above-noted concerns, include, but are not necessarily limited to the following:

1. 2.2 Natural Features: Components of the Greenlands System – Subsection 33, 34 and 37;
2. 5.2 Sustainable Cities, Sustainable Communities – Subsection 8;
3. 7.1 Reducing the Demand for Services – Subsection 1, 7, and 9;
4. 7.2 Moving People and Goods– Subsection 1, 3, 9, 12, 24, 25, 31, 32, 33, 49, 50, 51 and 52;
5. Definitions of Development and Major Development; and
6. The Significant Woodlands, Cycling Facilities on Regional Roads and Right of Ways, Regional Rapid Transit Corridors and Regional Planned Basic Street Widths "Up to 45 metres" designations on Maps 5, 10, 11 and 12.

Please provide the undersigned with notice of any decision of Regional Council with respect to this matter. We will be in attendance at the December 2, 2009 Planning Committee Meeting, at which time we will speak to our client's issues regarding this matter.

Yours truly,

AIRD & BERLIS LLP



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SAZ/jb

c Mario Fatica
Steve Thompson
Barbara Jeffrey, Manager, Land Use Policy and Environment
Karin Price, Committee Co-ordinator

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