

To Public Hearing
Date: <u>June 18, 2012</u>
Item # <u>12</u>
Re: <u>Bylaw 8884</u>

**Schedule 15 to the Minutes of
the Council Meeting for
Public Hearings held on
Monday, June 18, 2012.**

Tim Hortons

OPERATED BY THE TDL GROUP CORP.
7460 - 51ST STREET S.E., CALGARY, ALBERTA T2C 4B4
TELEPHONE (403) 203-7400 • FACSIMILE (403) 203-7430

June 15, 2012

HAND DELIVERED

City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Dear Mayor and Councillors:

Re: Tim Hortons Restaurant located at 125-7771 Alderbridge Way, Richmond, BC

1. This letter is a submission from the TDL Group Corp. which operates as the franchisor for the Tim Hortons restaurant located at 125-7771 Alderbridge Way, in Richmond, BC. We wish to voice our concerns regarding the proposed re-zoning application by Onni that, if approved in the current form, will cause irreparable harm to all of the businesses in and around 7731 Alderbridge Way and 7771 Alderbridge Way.
2. We had provided you with a letter dated May 16, 2012 in this regard and addressed Council at the May 22, 2012 public hearing.
3. We requested that as a condition of their re-zoning approval, Onni should be required to either include commercial or retail space in their development or settle any lease issues with the tenants.
4. We are thankful for Council's wise decision at the May 22 public hearing to adopt a Motion that provided:

"That, in relation to this rezoning, as a further condition of fourth of reading of the Bylaw, that any leases registered on Title, including the lease in favour of Tim Hortons Canada, would be discharged."

5. We felt that this was a sensible Motion and clearly within Council's legislative powers especially considering the various concerns with the Onni development while also taking into account TDL's submission and those of our franchisee, RCND Restaurants Ltd., as represented by Mike Rasberry.
6. We were subsequently advised in a letter dated June 5, 2012 that at in a Special Council meeting on June 4, 2012, the above Motion was rescinded. Unfortunately we were not provided with any reasons why the Motion was rescinded so it would be appreciated if Council would be so kind as to provide some rationale on why the Motion was rescinded.
7. We firmly believe that the Motion adopted by Council was appropriate given the circumstances and we would respectfully request Council to consider readopting the same Motion or adopting a new motion to allow the parties involved more time to deal with all of the issues prior to fourth reading of the rezoning application.
8. We feel that land owners who are asking Council to exercise its discretionary legislative powers when seeking a rezoning, should be willing to commit to either honouring the terms of their existing leases with tenants or reach alternative arrangements with the tenants before Council finally enacts the rezoning bylaw.
9. We hope that Council can see the wisdom in readopting the Motion. If Council does not wish to do so, we ask that Council consider withholding the approval of the rezoning until such time as Onni has resolved all of the lease issues with respect to this site.



10. TDL wishes to confirm that it is TDL's intention to honour its lease and it is our expectation that Onni will do the same. We want to continue to serve the local citizens of Richmond and to continue to maintain the ongoing employment of over 40 people at this location.
11. In addition, should the rezoning proceed in its current form, we are concerned that our business would be deemed legal non-conforming, thus restricting our ability to obtain any development or building permits to renovate or improve our restaurant as the zoning would no longer allow for restaurant use.
12. We confirm that we will act in good faith going forward and trust that Onni will as well. We would hope that the City will foster such good faith by encouraging, if not requiring, that Onni either honour its leases or reach a resolution of such issues with all of its tenants.

Thank you for your consideration.

Yours very truly,



THE TDL GROUP CORP.

William Cao
Legal Counsel