

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

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

Onni

June 11, 2012

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

Attn: Brian Jackson, Director of Planning

**Re: Onni Rezoning Application RZ 11 585209 – Objections by Tim Hortons (TDL Group Corp.) and
Mike Rasberry, Owner/Operator Tim Hortons #2324**

Mr. Jackson,

Pursuant to your request, I write in an effort to provide some background and clarification surrounding the above noted subject matter. I am in receipt of three documents; a letter from Mike Rasberry, Owner/Operator Tim Hortons #2324 dated May 10, 2013, a letter from William Cao, Legal Counsel TDL Group Corp., and the meeting minutes of the Regular Council Meeting for Public Hearings, May 22, 2012.

It is important to convey that Onni acquired this property with a lease to Tim Hortons in place. For clarity the tenant is The TDL Group Ltd. ("TDL") (Franchisor) and not Mike Rasberry Owner/operator of Tim Hortons Store # 2324 (Franchisee). In becoming the successor in interest to the lease, we began communicating directly with the tenant, TDL, as is appropriate. However, through correspondence in relation to the relocation of the store operated by Mr. Rasberry, we were led to believe Mr. Rasberry was being informed of what was being discussed surrounding his business. Mr. Rasberry informed us he has visited several potential alternative locations for his business as proposed by Onni. These locations were proposed directly to TDL who we can only conclude passed this information on to Mr. Rasberry.

With respect to TDL, we have been communicating with them since July, 2011. Our discussions have included our intentions regarding the future redevelopment of the property, the financial feasibility of an early lease termination, and relocation of the operation of Mr. Rasberry's store upon satisfactory terms. There has been a significant amount of formal communication in the form of emails, letters, phone calls and meetings commencing October, 2011 through to May, 2012. I point this out because in Section 4 of Mr. Cao's letter, he states Onni has not formally indicated to TDL Group its intentions for this development. This statement is factually false at best. For Council's interest I have outlined a timeline of our discussions below:

- July 8th, 2011 – formal written notice from Onni to TDL Group with notification of new ownership of the property.

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REAL ESTATE DEVELOPMENT
PROPERTY & CONSTRUCTION MANAGEMENT

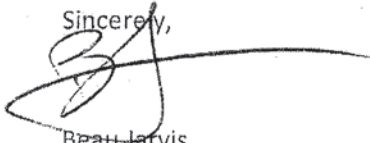


- October 31st, 2011 – formal written communication from TDL to Onni acknowledging that Onni has advised TDL of new ownership and its intent to redevelop the property into four condominium buildings. TDL notes Onni's rezoning application submitted to the City.
- November 2nd, 2012 – Email from Onni to TDL acknowledging receipt of TDL's October 31st letter and suggesting to TDL that both groups have some dialogue regarding TDL and Franchisee's concerns
- November 17th, 2012 – Video Conference call between Onni and Tim Hortons corporate officers: Jim Preston, Sr. Regional V.P. Western Canada, Greg Vogeli, Sr. Regional V.P. Development Western Canada, and David MacKeigan, Manager of Real Estate Development BC, William Cao, TDL Group Legal Counsel. Note: Onni participated in this video conference at Tim Horton's regional office in Langley, BC.
- December 6, 2012 – TDL issues meeting minutes of the November 17th conference call which include points on relocation of Franchisee's store and losses in consideration of early termination of the lease.
- December 19th, 2012 – formal written notice from Onni to TDL acknowledging receipt of the meeting minutes and requesting a breakdown of losses due to early termination.
- February 1st, 2012 – Correspondence between Onni and TDL regarding the sharing of more detailed information regarding Mr. Rasberry's business.
- February 23rd, 2012 – Onni and Dave MacKeigan, Manager of Real Estate and Development BC drive around to visit potential locations for the relocation of the Mr. Rasberry's store. Mr. MacKeigan met Onni representatives at Mr. Rasberry's store and drove around with them to potential locations.
- March 1, 2012 – email correspondence from TDL to Onni thanking Onni for continuing to work with TDL to find a relocation site and asking if we have received a Development Permit and if we have started pre-sales.
- March 19th, 2012 – Conference call between Onni and TDL to discuss matters further in particular related to relocation options for Mr. Rasberry's store.
- April 12th, 2012 – Email correspondence between Onni and TDL Group regarding relocation options for Mr. Rasberry's store including three specific locations.

In summary, based on the outline of correspondence to date, it is abundantly clear Onni and TDL have been engaged in detailed and formal communications for some time. What's more, we believe Mr. Rasberry who is the Franchisee has been kept up to speed by TDL with regards to the communication that has taken place to date.

In closing, it is unfortunate Council was not provided all of the relevant information with respect to the ongoing discussions surrounding the relocation of the Tim Horton's store prior to the May 22nd Public Hearing. I trust the information above provides a clearer picture of our efforts to engage Tim Hortons on matters related to the redevelopment of our property. Should you have any questions, please do not hesitate to contact me

Sincerely,



Beau Jarvis
V.P. Development