



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

Official Plan Housing Policies Settlement

Date:	January 23, 2007
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director and the City Solicitor
Wards:	All
Reason for Confidential Information:	This report relates to a litigation matter before the Ontario Municipal Board.
Reference Number:	

SUMMARY

The Urban Development Institute and the Greater Toronto Home Builders' Association appealed the housing policies of the new Official Plan as part of their omnibus appeal of the Plan. They subsequently took issue with certain modifications to the housing policies made by Council in December 2005.

Following a series of Ontario Municipal Board pre-hearings between July and November 2006, all of the Plan's housing policies have been brought into force except for Sections 4.2.3 c), 3.2.1.5 b) and 3.2.1.9 as well as the definitions of Affordable rental housing and Affordable ownership housing.

This report recommends modifications to these policies to be presented by the City Solicitor to the Ontario Municipal Board to settle the remaining housing policy issues and bring the modified policies into force. The recommended modifications to the housing policies of the Official Plan are found in confidential Attachment 1 to this report.

RECOMMENDATIONS

The City Planning Division and City Solicitor recommend that:

1. City Council adopt the recommendations set out in Attachment 1.

2. City Council authorize the public release of the confidential information and recommendations in Attachment 1, subsequent to the Ontario Municipal Board issuing its order in this matter and in the absence of any appeals or review of the Board's Decision/Order.

Financial Impact

The adoption of this report will eliminate the need for a hearing of these matters.

ISSUE BACKGROUND/COMMENTS

The majority of the new Official Plan has been brought into force and effect through Ontario Municipal Board dispositions since July 2006. The only general policies that are not yet in force are three housing policies, one urban design policy and policies pertaining to floodplain areas designated as 'Special Policy Areas'. All of the policies related to housing are in force with the exception of Policies 4.2.3 c), 3.2.1.5 b), and 3.2.1.9 as well as the definitions of Affordable rental housing and Affordable ownership housing. These housing policies remain subject to an appeal by the Urban Development Institute and the Greater Toronto Home Builders' Association.

Policy 3 in Section 4.2 sets out criteria for consideration of infill development proposals on a site containing an existing apartment building in an 'Apartment Neighbourhood' designation. Among various criteria, subsection c) requires that a community benefit be created for existing residents on the site. In this type of infill there is almost always an increase in density as the apartment sites are usually originally developed at or near the maximum permitted density. The intent of this criterion was to ensure that Section 37 community benefits were designed to benefit the residents of the existing buildings as well as the new residents on the site. The modified policy in Attachment 1 meets this intent.

Policy 5 in Section 3.2.1 applies to significant new development on sites containing six or more rental units. In the Plan as originally adopted by Council, subsection a) provided that existing rental housing units which have affordable rents and mid-range rents will be secured as rental housing. Subsection b) of Policy 5 provided that needed improvements and renovations to the existing rental housing would be secured with no pass-through of costs in the tenant's rents. The modification to this policy in Attachment 1 clarifies the context and mechanisms where these renovations and improvements to existing units may be secured.

Policy 9 in Section 3.2.1, as adopted by Council and modified by the Minister, recognizes that large-scale residential developments provide an opportunity to achieve a mix of housing types and a range of affordability. To achieve this, the policy requires that on large sites greater than 5 ha. in size:

- a minimum of 30 per cent of new housing units will be in forms other than single detached and semi-detached houses; and
- a minimum of 20 per cent of the new housing units added as a result of density/height incentives will be affordable housing.

The recommended modifications in Attachment 1 clarifies the circumstances where the policy will be applied, provides alternatives to having the developer construct the affordable units on-site, and gives the City choice in how to achieve the affordable housing that may fit a particular financial and locational situation.

CONTACT

Barbara Leonhardt
 Director, Policy and Research
 City Planning Division
 Tel: 416-392-7617, Fax: 416-392-3821
 e-mail: bleonha@toronto.ca

Rob Balfour
 Solicitor,
 Legal Division
 Tel: 416-392-7225, Fax 416-397-5624
 e-mail: rbalfour@toronto.ca

SIGNATURE

Ted Tyndorf
 Chief Planner and Executive Director

Anna Kinastowski
 City Solicitor

ATTACHMENTS

Attachment 1: Confidential Information