



CASSELS BROCK
LAWYERS

May 27, 2019

By E-mail - phc@toronto.ca

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Attention: Nancy Martins, Secretariat Contact

Dear Members of the Planning and Housing Committee:

**Re: Official Plan Amendment – Policies to Address the Loss of Dwelling Rooms
Item PH6.1 – Planning and Housing Committee
The Governing Council of the University of Toronto**

We are the solicitors for The Governing Council of the University of Toronto (the “**University**”). The University has reviewed the materials that form Item PH6.1 and has significant concerns with the proposed Official Plan Amendment (the “OPA”). Accordingly, the University objects to the adoption of the OPA in its current form.

While the University recognizes the need to protect rental housing in Toronto, the inclusion of “dwelling room” in the proposed OPA will effectively capture student residences in the context of rental replacement. This cannot be the City’s intention given its ultimate objective. As student residences are exempt under the *Residential Tenancies Act* and the City’s Rental Replacement By-law, their inclusion under in the proposed OPA is inappropriate. To address this concern, the University requests that the definition of “dwelling rooms” be revised to exclude “dwelling rooms operated by a post-secondary institution”.

The University’s request is aligned with stakeholder comments raised during public consultation regarding the exemptions provided in the OPA. Concerns included that the OPA should exclude specific *types* of dwelling rooms, rather than provide exemptions based on rents above the mid-range threshold. The City’s response in its final report was that buildings which contain rooms that exceed the mid-range rent threshold are typically private for-profit retirement homes and student residences. In its report, staff state that the intent of this policy is not to act as a disincentive for this type of specialized housing, while ensuring the maintenance of mid-range affordable housing. Thus, the City prefers the approach of exempting by rent level rather than land use.

Respectfully, this does not provide adequate assurance to the University that student residences would fall within the new definition of “dwelling room tier 2 mid-range rents”, which are between 101% and 120% of the average City of Toronto rent for a bachelor unit. Moreover, this approach negatively impacts the ability of institutions to provide student residences that are more affordable.



As the City recognizes that the OPA is not meant to capture student residents, the University respectfully requests that the definition of “dwelling room” be revised to clearly reflect this intention.

Finally, we note that section 111(3) of the *City of Toronto Act, 2006* is clear that the City cannot prohibit or regulate the demolition or conversion of dwelling rooms. We understand that the City proposes to request that the Province amend subsection 111(3) of the *City of Toronto Act, 2006* to permit the regulation of residential rental properties that contain six or more “dwelling rooms”. We note that the University objects to the proposed amendment on the basis that this may inadvertently capture student residences.

Thank you for your consideration of these comments. Please provide us with written notice of all further steps in this matter.

Yours truly,

Cassels Brock & Blackwell LLP



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cc: Client