



Confederation of Resident & Ratepayer
Associations in Toronto

June 18, 2014

Chair Peter Milczyn and Members of
Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Atten: Ms. Nancy Martins
PGMC Secretariat Support

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Dear Chair Milczyn and Members of Planning and Growth Management Committee

PG34.4: (1:30 PM) Official Plan Policies – Development Permit System (DPS)
Planning and Growth Management Committee Meeting No. 34 – June 19TH, 2014

CORRA is writing to provide Planning and Growth Management Committee with its position regarding the proposed Official Plan Amendment (OPA) to allow the City the option to use the Development Permit System (DPS) as a planning tool.

CORRA has recently discovered that site specific appeals can be and are appealed to the OMB, as exemplified by the Lake of Bays Township which uses the DPS to address shoreline development. Therefore, the presumption that the DPS can be used to prejudice such rights is in error.

CORRA believes the apparent attempt to arbitrarily limit site specific appeals in the proposed DPS OPA may be ruled *ultra vires* by the OMB or a Court of Law. It would therefore be premature to adopt the DPS OPA without definitively ascertaining whether or not site specific appeals seeking height or density beyond DPS maximums can be precluded.

In addition CORRA continues to oppose DPS OPA as presently drafted on the following grounds:

1. The DPS OPA is deficient, overly broad, lacks clarity to be applied to the entire City and does not meet the requirements as set out in Section 3 of O. Reg 608/06.
2. The DPS OPA lacks specificity. The geographic area encompassing the entire City is large (630 square kilometers) and its land use diverse and complex. Simplistically identifying the entire City as a development permit area is contrary to the Official Plan which contain policies that direct growth to certain areas while at the same time recognizing that other, differently designated areas, including but not limited to *Neighbourhoods*, are meant to be stable. The proposed DPS OPA does not address

the goals, objectives and the scope of such a large diverse area governed by an integrative Official Plan nor does it expressly remove those areas, such as *Natural Areas*, to which it plainly should not apply.

3. The DPS OPA fails to establish, identify and incorporate the criteria for selecting and identifying areas to be covered by the DPS.
4. The DPS OPA lacks a comprehensive public participation process in identifying the areas to be covered by a DPS By-law.
5. The Delegation of Decision Making Authority: It is unclear how Council will determine when delegation is appropriate. The DPS OPA lacks clear criteria that should be understandable and consistent across the City rather than being specified in various future DPS By-laws.
6. The DPS OPA does not incorporate the promises made to the public. For example:
 - The areas to be selected for the DPS by-law are to be made with community and local Councillor involvement
 - The goals and objectives of DPS areas are to be determined following comprehensive consultation that is consistent with the DPS OP Policies
7. Due Process and Adequate Information: The final report was issued June 12, 2014 for a public statutory meeting scheduled on June 19, 2014 despite the legal requirement that adequate information, including to but not limited to the draft OPA, must be made available at least 20 days before the scheduled meeting. The DPS is untested and not well understood. The various staff reports have not provided the use of DPS in Ontario, the experiences of other municipalities, or how the proposed DPS is supposed to work along side, or in place of, the traditional zoning for the City. There remain many more questions that have not been addressed in this very limited time frame (December 2013 to April 2014) that this draft OPA has been disclosed to the public.

CORRA therefore requests that consideration of the draft DPS OPA be deferred until such time as the above matters have been adequately addressed.

CORRA wishes to be notified of any decisions concerning the DPS OPA.

Respectfully submitted,

William Roberts

CORRA Chair
On behalf of CORRA Executive
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