

November 16, 2015

Barnet H. Kussner
T: 416-947-5079
bkussner@weirfoulds.com

VIA E-MAIL

File 15684.00001

City Clerk
City of Toronto
City Hall, 10th Floor West
100 Queen Street West
Toronto, ON M5H 2N2

Attn: Nancy Martins
Administrator, Planning and Growth Management Committee

Dear Ms. Martins:

Re: Neighbourhoods and Apartment Neighbourhoods Draft Policies
Planning and Growth Management Committee Item PG8.5

We act as counsel for Trans County Development Corporation, Conben Holdings Inc. and their related subsidiary companies (collectively the "**Companies**"). The Companies have interests in numerous landholdings throughout the City of Toronto (the "**City**"), including 210 Markland Drive, 530 The East Mall, 351 The West Mall/25 Eva Road, 12 The Donway East, 14 The Donway East, and 1061 Don Mills Road.

On behalf of the Companies we are writing to express concerns with respect to the proposed amendments to the Neighbourhoods and Apartment Neighbourhoods policies as proposed in draft Official Plan Amendment No. 320 ("**OPA 320**"), which is the subject of the above referenced agenda item.

In general terms, the Companies seek to ensure that the proposed changes to OPA 320 do not unduly restrict their ability to appropriately develop or achieve appropriate infill or intensification on their lands over the long-term. The concerns expressed below are not meant to be exhaustive, but rather to provide a planning foundation for issues that we foresee arising if OPA 320 is to be adopted by Council in its current form.

Among other things, the Companies are concerned that the current drafting of certain policies in OPA 320 may lead to unintended confusion with respect to the nature and scope of the proposed changes. In our view, further discussion and refinement of these policies is warranted in order to avoid uncertainty going forward.

Of particular concern to the Companies is the proposed language which provides that infill development may be permitted on existing apartment sites "*for the purpose of improving existing site conditions*". It is unclear whether this proposed language is intended to serve as a strict requirement for all infill developments within Apartment Neighbourhoods, and how this objective is meant to be weighed against other general planning objectives such as the intensification of underutilized sites – or, for that matter, what constitutes "existing site conditions" for the purposes of this policy. Moreover, in some instances it might not be appropriate to renovate or retrofit the existing built form. As such, the policy should be modified by adding "where appropriate" to reflect that there may be instances where it is no longer desirable or appropriate to renovate or retrofit an existing apartment building.

The Companies are also concerned that certain proposed changes in the current draft version of OPA 320 would not allow sufficient flexibility to respond to site-specific considerations. For instance, a proposed new restriction in OPA 320 would prohibit any high-rise addition to existing apartment buildings within Apartment Neighbourhoods. This broad-brush, "one size fits all" policy approach fails to consider the specific planning context of each site and the extent to which high-rise additions can be accommodated as a sensitive and desirable form of intensification and regeneration on existing apartment sites. The proposed policies should allow applications to be considered on a site-by-site basis in a manner consistent with the overall policy direction, rather than imposing hard or inflexible limits on new development.

On a final note, OPA 320 as currently proposed fails to address Official Plan Policy 3.2.1.3. This important housing policy provides as follows:

"Investment in new rental housing, particularly affordable rental housing, will be encouraged by a co-operated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory, administrative policies and incentives"

In the Companies' experience, the City's taxation strategy provides a significant disincentive for investment in new rental housing as it relates to apartment buildings. OPA 320 does nothing to redress the imbalance in terms of effective taxation, particularly in the context of a substantial renovation/retrofit to render an existing building suitable for new rental housing.

Accordingly, kindly accept this correspondence as our clients' formal written submission prior to OPA 320 being adopted. We request that we be provided with any staff reports, Council and/or

Committee's resolutions, and Notice of the Decision of the approval authority with respect to OPA once adopted. We reserve the right to augment our comments as the need arises.

Thank you for your consideration of these submissions. Should you have any questions or require further information, please do not hesitate to contact me or Paul Chronis, Senior Planner in our office, at (416) 947-5069 or pchronis@weirfoulds.com.

Yours truly,

WeirFoulds LLP

A handwritten signature in cursive script, appearing to read "Paul Chronis".

per, Barnet H. Kussner

BHK/PC:cl

c: Client