

Attachment 1

April 13, 2016

SENT BY EMAIL

City of Toronto
Toronto City Hall
100 Queen Street West, 13th Floor
Toronto, ON M5H 2N2

**Attention: Mayor and Members of Council
Uli S. Watkiss, City Clerk**

Lynda Townsend
Partner
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Jennifer Meader
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File 17514.00001

Dear Mesdames and Messrs:

**Re: DEVELOPMENT CHARGES COMPLAINT
1251 Bridletowne Circle
Middlepark Estates Inc.**

We represent Middlepark Estates Inc. ("**Middlepark**") with respect to the property municipally known as 1251 Bridletowne Circle (the "**Subject Lands**"), within the City of Toronto. We hereby file this complaint pursuant to section 20 of the *Development Charges Act, 1997, S.O. 1997, c.27* (the "**Act**") for development charges ("**DCs**") paid in respect of the development of the Subject Lands.

The Development

The Subject Lands are part of a surplus school site that Middlepark is in the process of redeveloping with a total of 282 residential units. With the exception of 18 surface layby parking spaces for deliveries and short-term parking, the vast majority of the parking for the development, including the visitor parking and all of the resident parking, will be accommodated in an underground parking structure spanning the extent of the Subject Lands. Of the total number of units proposed, 22 units are traditional townhouses and 168 units are stacked townhouses.

The remaining 92 units are an innovative product, with each unit being accessed through a common principal entrance from street level and an interior enclosed corridor (the "**Apartment Units**"). The relationship of the Apartment Units with the principal entrance and common corridor, as well as with the parking garage, is illustrated on Attachment 1. The Apartment Units

are contained in six buildings located in Blocks J, K, L, M, N, and O, as shown on the Site Plan, which is attached to this correspondence as Attachment 2. The common corridor, located along the central spine of each building, along with the common entrance to each corridor, are also depicted on the Site Plan.

Development Charges Paid & Disputed

On January 29, 2016, Middlepark paid a total of \$2,752,916 in DCs for the 92 Apartment Units. The City calculated the DCs according to the “Multiple 2+ Bedroom” rate of the City’s DC By-law No. 1347-2013 (the “**DC By-law**”) in effect at the time of payment. However, from a review of the “Apartment Unit” definition in the DC By-law, and considering the nature of the Apartment Units, it is Middlepark’s position that the “Apartments 2 Bedrooms and Larger” rate should have been applied to the 92 Apartment Units.

In accordance with the provisions of Section 20 of the Act, Middlepark files this complaint to Council on the grounds that:

1. The amount of the DCs was incorrectly determined; and
2. There was an error in the application of the DC By-law.

Applying the “Apartments 2 Bedrooms and Larger” rate to the 92 Apartment Units results in DCs payable in the amount of \$2,023,264. Consequently, Middlepark overpaid DCs by \$729,652, which amount, in our respectful submission, should be refunded to Middlepark with interest.

Middlepark does not dispute the DC rates applied to the 22 traditional townhouses or the 168 stacked townhouses.

The 92 Apartment Units Meet the Definition of “Apartment Unit” in the DC By-law

The definition of “Apartment Unit” in the DC By-law is:

A residential dwelling unit within a residential building, or the residential portion of a mixed use building, where such unit is accessed through a common principal entrance from the street level and an interior enclosed corridor, and the building contains three or more units with such access and includes a stacked townhouse.

The elements of this definition and their application to the Apartment Units proposed for the Subject Lands are as follows:

1. Each unit is accessed through a common principal entrance – As depicted in Attachments 1 and 2, visitor and resident parking for the Apartment Units is located in an underground garage, which is accessed from a single ramp on the Subject Site. After parking and exiting the vehicle, the visitor or resident would pass through a doorway taking them outside. The visitor or resident would then ascend a staircase toward street level where the common principle entrance is located at the side of each building. The entrance provides access to all of the units in the building.
2. The common principal entrance is accessed from street level – As shown on Attachments 1 and 2, the principal entrance is accessible from street level, along the side of each of the six buildings. It is visible and accessible to pedestrians and is virtually the only option for those arriving by vehicle. This entrance to the Apartment Units will be used most often and therefore, it constitutes the principal entrance.
3. Each unit is accessed through an interior enclosed corridor – Both Attachment 1 and 2 clearly depict the interior enclosed common corridor, off of which each unit is accessed. The doors to the individual units can be identified on Attachment 1.
4. The building contains three or more units with such access – The number of Apartment Units in each of the six buildings ranges from 12 to 20.

From the foregoing breakdown, the Apartment Units clearly meet each element of the “Apartment Unit” definition in the DC By-law and should be charged accordingly thereunder.

Furthermore, garbage from each of the Apartment Units is collected using a shoot system and is stored in two locations in the underground garage. From there, the garbage is removed from the Subject Lands. There is no collection door-to-door. This communal approach to garbage collection, as well as the provision of storage lockers for each unit, and the underground garage, are all standard characteristics of buildings functioning as residential apartments.

Request to City

On the basis of the above reasons and such further reasons as may arise, we would respectfully request that the City proceed to schedule a hearing of this complaint before Executive Committee. We would appreciate the opportunity to discuss this complaint with you in

hopes of having it addressed in advance of the hearing date. Should you require any additional information, please do not hesitate to contact us. Otherwise, we look forward to working with you to rectify this matter.

Yours truly,

WeirFoulds LLP



Lynda Townsend
Jennifer Meader

LT/JM/jm

Encl.

c: Mr. Barry Waltman

9132335.3



HOME OWNERS
ACCESS THEIR UNIT
FROM THE
UNDERGROUND



CONTEXT MAP

SITE STATISTIC - GROSS SITE AREA

PLAN OF SURVEY OF ALL OF BLOCK D, PLAN M-1281 AND PART OF BLOCK E, PLAN M-1282 AND PART OF LOT 35, CONDEMNION 3, CITY OF TORONTO (FORMERLY CITY OF SCARBOROUGH)

ZONING - E (33) LAMOREAUX ZONING BY LAW 12466

GROSS SITE AREA (Includes Lands Conveyed to City) - 28362.75 m² (2.84 Ha)

NUMBER OF UNITS
 STACKED TOWNHOUSES (Block 1) = 168 units
 TOWNHOUSES (T1 - 16 T1-A) = 22 units
 BACK-TO-BACK TOWNHOUSES (BB-20) 15 BB-20-A = 30 units
TOTAL = 220 units

DENSITY - 98.30 UNITS/ha

NUMBER OF STOREYS - 3

BUILDING HEIGHT
 TOWNHOUSES (Block 1) = 15.00 m (Max.)
 TOWNHOUSES (T1 - 16 T1-A) = 11.00 m (Max.)
 BACK-TO-BACK TOWNHOUSES (Block 1) to O1 = 15.00 m (Max.)
 3 STOREY ONTARIO BUILDING CODE
 GARAGE SHUTE ENCLOSURES (3.00 m Max.)

STREET FRONTAGE - 203.53m (BRIDLETOWNE CIRCLE)

GROSS FLOOR AREA - 44444.83 m² (1.57 FS)

TOTAL GROSS FLOOR AREA
 BLOCKS = 44444.83 m² = 156.70%
 ELEVATOR W/ LOBBY = 28.11 m² = 0.20%
TOTAL G.F.A. = 44472.94 m² = 156.90%

PAVED AREA (Includes: sidewalks, ramp, garbage collection area, concrete striping (parking and loading area)) - 29932.00 m² (10.5% OF GROSS SITE AREA)

LANDSCAPING (includes: pathways, sidewalks, lawn, Emergency Access Route and green spaces) - 12971.77 m² (46.0% OF GROSS SITE AREA)

LOT COVERAGE (building, garage shute, enclosure, landscaping, parking, outdoor and amenity spaces) (at building including any steps, porches and stairs when area covered) - 12067.78 m² (42.6% OF GROSS SITE AREA)

PARKING SPACES
 REQUIRED RESIDENTS = 282 x 1.15 = 325 SPACES
 VISITORS = 282 x 0.15 = 42 SPACES (18 Surface & 25 Underground)
TOTAL = 367 SPACES
 PROVIDED RESIDENTS = 282 x 1.15 = 327 SPACES
 VISITORS = 282 x 0.15 = 43 SPACES (18 Surface & 25 Underground)
TOTAL = 370 SPACES
 90 UNDERGROUND BICYCLE PARKING SPACES PROVIDED

MIN. PARKING SIZE
 - 2.7m x 6.7m (Surface)
 - 2.6m x 5.6m (Underground)

SITE STATISTIC - NET SITE AREA

PLAN OF SURVEY OF ALL OF BLOCK D, PLAN M-1281 AND PART OF BLOCK E, PLAN M-1282 AND PART OF LOT 35, CONDEMNION 3, CITY OF TORONTO (FORMERLY CITY OF SCARBOROUGH)

ZONING - E (33) LAMOREAUX ZONING BY LAW 12466

NET SITE AREA (Excludes Lands Conveyed to City) - 27182.54 m² (2.72 Ha)

NUMBER OF UNITS
 STACKED TOWNHOUSES (Block 1) = 168 units
 TOWNHOUSES (T1 - 16 T1-A) = 22 units
 BACK-TO-BACK TOWNHOUSES (BB-20) 15 BB-20-A = 30 units
TOTAL = 220 units

DENSITY - 103.88 UNITS/ha

NUMBER OF STOREYS - 3

BUILDING HEIGHT
 TOWNHOUSES (Block 1) = 15.00 m (Max.)
 TOWNHOUSES (T1 - 16 T1-A) = 11.00 m (Max.)
 BACK-TO-BACK TOWNHOUSES (Block 1) to O1 = 15.00 m (Max.)
 3 STOREY ONTARIO BUILDING CODE
 GARAGE SHUTE ENCLOSURES (3.00 m Max.)

STREET FRONTAGE - 203.53m (BRIDLETOWNE CIRCLE)

GROSS FLOOR AREA - 44444.83 m² (1.64 FS)

TOTAL GROSS FLOOR AREA
 BLOCKS = 44444.83 m² = 163.60%
 ELEVATOR W/ LOBBY = 28.11 m² = 0.21%
TOTAL G.F.A. = 44522.94 m² = 163.81%

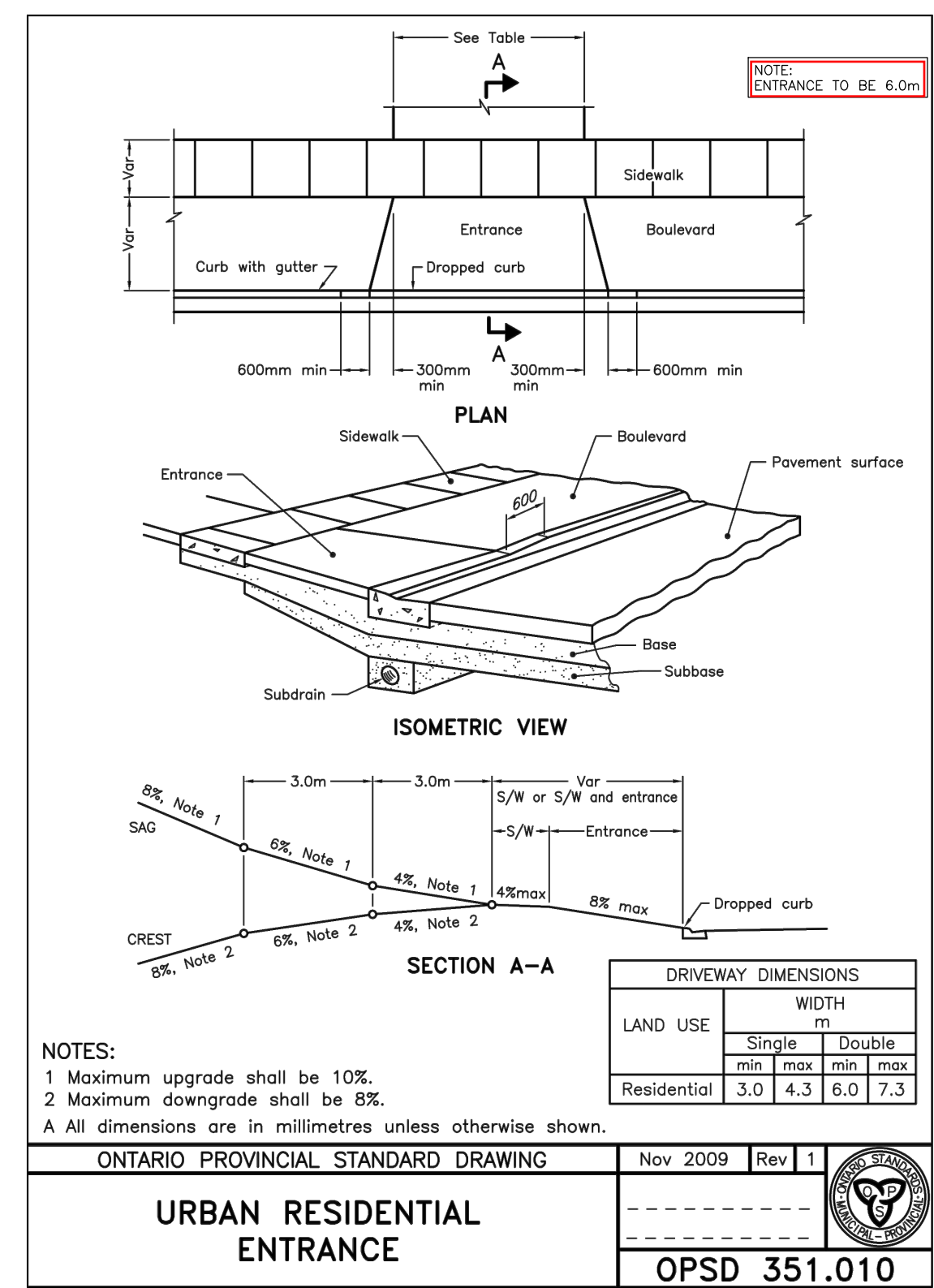
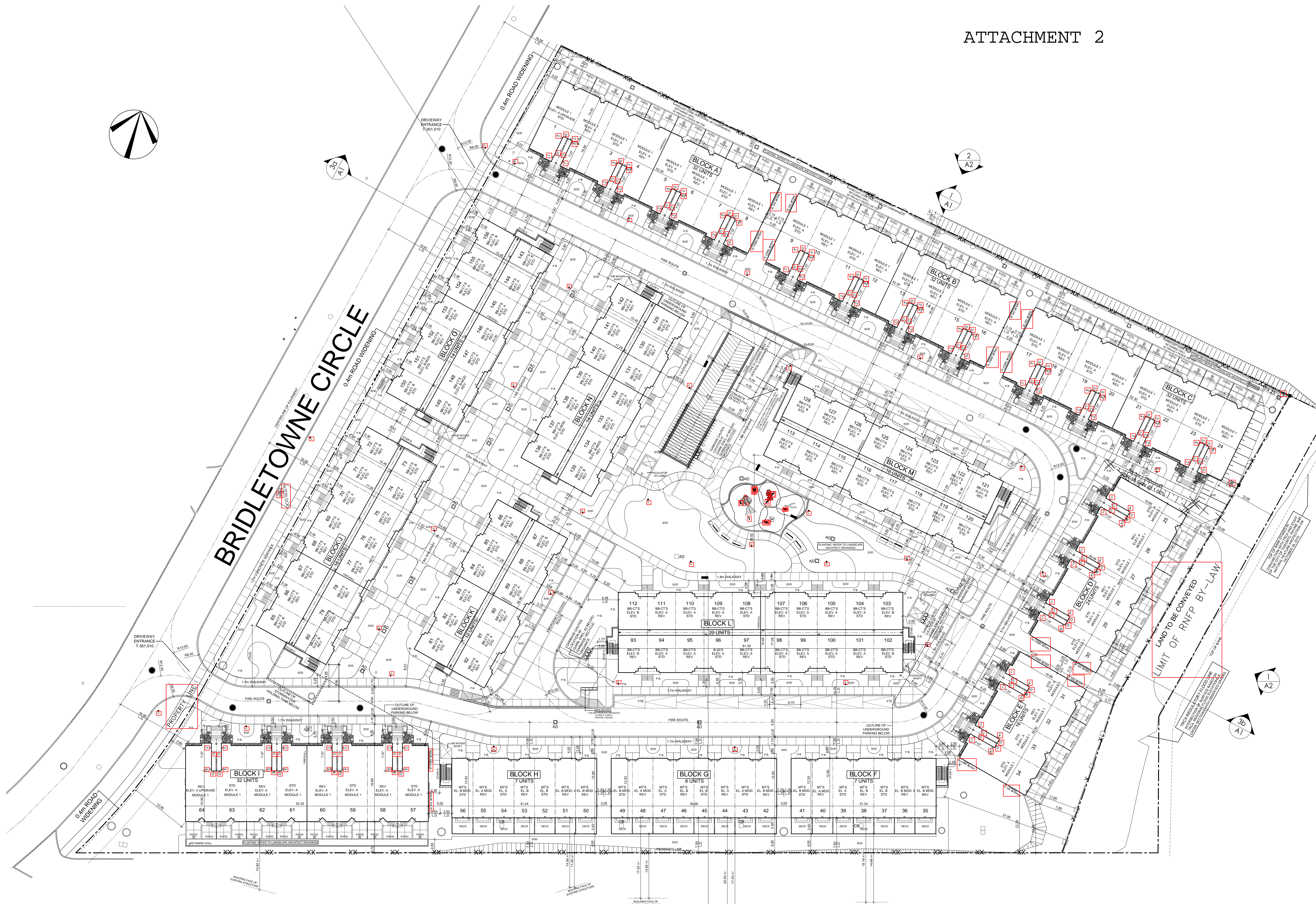
PAVED AREA (Includes: sidewalks, ramp, garbage collection area, concrete striping (parking and loading area)) - 29932.00 m² (11.0% OF NET SITE AREA)

LANDSCAPING (includes: pathways, sidewalks, lawn, Emergency Access Route and green spaces) - 12106.56 m² (44.6% OF NET SITE AREA)

LOT COVERAGE (building, garage shute, enclosure, landscaping, parking, outdoor and amenity spaces) (at building including any steps, porches and stairs when area covered) - 12067.78 m² (44.4% OF NET SITE AREA)

PARKING SPACES
 REQUIRED RESIDENTS = 282 x 1.15 = 325 SPACES
 VISITORS = 282 x 0.15 = 42 SPACES
TOTAL = 367 SPACES
 PROVIDED RESIDENTS = 282 x 1.15 = 327 SPACES
 VISITORS = 282 x 0.15 = 43 SPACES (18 Surface & 25 Underground)
TOTAL = 370 SPACES
 90 UNDERGROUND BICYCLE PARKING SPACES PROVIDED

MIN. PARKING SIZE
 - 2.7m x 6.7m (Surface)
 - 2.6m x 5.6m (Underground)



Toronto Green Standard Version 2.0 Statistics Template
 For Low Rise Residential Development

The Toronto Green Standard Statistics Template is intended to be used with the Toronto Green Standard. It is not intended to be used as a standalone document. All data should be completed for the Standard Statistics Template. Refer to the Toronto Green Standard for the complete list of standards and detailed specifications. www.toronto.ca/greenstandard

General Description	Required	Proposed	Proposed (%)
Total Gross Floor Area (m²)		44,444.83	
Number of residential units		220	
Green Roof Potential: All Green	Required	Proposed	Proposed (%)
Total roofed terrace area (m ²)	7,600.00	7,600.00	100%
Total roofed terrace area (m ²)	4,215.00	4,215.00	100%
Percentage of roofed terrace treated with:			
- high albedo surface treatment	4,215.00	4,215.00	100%
- light-colored pavement	0.00	0.00	0%
- shade from trees canopy	0.00	0.00	0%
- shade from structures covered by solar panels	0.00	0.00	0%
Urban Heat Island Reduction: Roof	Required	Proposed	Proposed (%)
Achievable Roof Space (m ²)	11,177.00	11,177.00	100%
Achievable Roof Space provided as Green Roof (m ²)	0	0	0%
Achievable Roof Space provided as Cool Roof (m ²)	0	0	0%
Urban Forest: Encourage Tree Growth	Required	Proposed	Proposed (%)
Landscaping area planted with water efficient plants (minimum 80% (m ²) and 1%)	2,238.00	2,238.00	100%
Total area planted (m ²)	2,238.00	2,238.00	100%
Total number of trees planted (m ² area x 40% x 40)	169	169	100%
Number of native species (m ² area x 40% x 40)	68	68	100%
Number of native species (m ² area x 40% x 40)	68	68	100%
Number of native species (m ² area x 40% x 40)	68	68	100%
Urban Heat Island Reduction: Pavement	Required	Proposed	Proposed (%)
Total area paved (m ²)	29,932.00	29,932.00	100%
Percentage of paving within 12m above grade treated with:			
- light-colored pavement	29,932.00	29,932.00	100%
- permeable pavement	0.00	0.00	0%
- shade from trees canopy	0.00	0.00	0%
- shade from structures covered by solar panels	0.00	0.00	0%

SITE PLAN

CLIENT: MCKELMARE ESTATES INC.
 PROJECT: PROPOSED RESIDENTIAL TOWNHOUSE DWELLINGS

Toronto

LEGAL DESCRIPTION: PART OF BLOCK D, PLAN M-1281 AND PART OF BLOCK E, PLAN M-1282 AND PART OF LOT 35, CONDEMNION 3, CITY OF TORONTO

PROJECT CONSULTANTS:

ARCHITECT: RAMP PENTEX & EDWARD SURVEYING LTD.
 CIVIL ENGINEER: (SHE ENGINEERING CONSULTANTS GROUP INC.)
 LANDSCAPE ARCHITECT: MCKELMARE ESTATES INC.
 ARBORIST: COOPER ARBORICULTURAL CONSULTANTS

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2015.07.14
2	ISSUED FOR PERMIT	2015.07.14
3	ISSUED FOR PERMIT	2015.07.14
4	ISSUED FOR PERMIT	2015.07.14
5	ISSUED FOR PERMIT	2015.07.14
6	ISSUED FOR PERMIT	2015.07.14
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59	ISSUED FOR PERMIT	2015.07.14
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62	ISSUED FOR PERMIT	2015.07.14
63	ISSUED FOR PERMIT	2015.07.14
64	ISSUED FOR PERMIT	2015.07.14

ONTARIO ASSOCIATION OF ARCHITECTS
 JULY 14, 2015
 FOR O.B.C. ONLY

EATON ON THE PARK

NOTE: A TRAINED ON-SITE STAFF MEMBER WILL BE AVAILABLE TO MANEUVER BINS FOR THE COLLECTION DRIVER AND ALSO ACT AS A FLAGMAN WHEN TRUCK IS REVERSING.

NOTE: IN THE EVENT THAT THE ON-SITE STAFF MEMBER IS UNAVAILABLE AT THE TIME THE CITY COLLECTION VEHICLES ARRIVE AT THE SITE, THE COLLECTION VEHICLE WILL LEAVE THE SITE AND NOT RETURN UNTIL THE NEXT SCHEDULED COLLECTION DAY.

NOTE: A WARNING SYSTEM IS TO BE PROVIDED TO CAUTION MOTORISTS LEAVING THE PARKING GARAGE OF HEAVY VEHICLES WHEN LOADING OPERATIONS ARE OCCURRING THROUGHOUT THE USE OF BOTH LIGHTS AND SIGNS.

NOTE: INFORMATION FOR THIS SITE PLAN FROM PLAN OF SURVEY REGISTERED PLAN 68444, PLAN OF SUBDIVISION OF PART OF BLOCK E, PLAN M-1282 AND BLOCK D, PLAN M-1281 AND BLOCK B, PLAN M-1287 AND BLOCK B, PLAN M-1288 AND PART OF LOT 35, CONDEMNION 3, CITY OF TORONTO (FORMERLY THE CITY OF SCARBOROUGH) PREPARED BY RAMP PENTEX & EDWARD SURVEYING LTD.

NOTE: FOR PLANTING LIST & DETAILS, PAVING DETAILS, FENCING DETAILS REFER TO DRAWINGS PREPARED BY FORELEC LTD.

NOTE: FOR ENGINEERING DETAILS, LOT GRADING, SITE SERVICES, REFER TO DRAWINGS AND REPORTS PREPARED BY GED.

SCALE: 1:300

DATE: 2015.07.14

A001