

November 4, 2019

Our File No.: 181152

By Courier

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

Dear Sirs/Mesdames:

**Re: 55-63 Charles Street East
Development Charge Complaints by MOD Developments (Charles) LP**

We are solicitors for MOD Developments (Charles) LP ("**MOD**") in respect of the properties known municipally as 55-63 Charles Street East (the "**Subject Lands**").

On October 31, 2019, MOD obtained a building permit for the Subject Lands (Permit Number 19 198018) and, as part of that process, was required to pay to the City development charges of \$17,955,240.00 (the "**City DCs**") and educational development charges of \$1,149,313.00 (the "**EDCs**"). The City DCs and the EDCs were paid under protest.

MOD is hereby filing **two complaints** with the City, one pursuant to Section 20 of the *Development Charges Act, 1997* and one pursuant to Section 257.85 of the *Education Act*, on the basis that:

- the amount of the development charges was incorrectly determined;
- a credit ought to have been available to be used against the development charges; and,
- there was an error in the application of the development charges.

The reasons for MOD's complaints include the following:

- MOD should have received a credit against the City DCs pursuant to Section 415-7(C) of Chapter 416 of the Municipal Code because MOD is demolishing residential rentals units existing on the Subject Lands (and replacing them as required by Chapter 667 of the Municipal Code).

- MOD should have received a credit against the EDCs pursuant to Section 10 of By-law No. 191 because MOD is demolishing dwelling units existing on the Subject Lands (and replacing them as required by Chapter 667 of the Municipal Code).
- The City erred in its application of Chapter 415 of the Municipal Code and By-law No. 191. The redevelopment of the Subject Lands is clearly predicated on the demolition of the existing residential rental units and such units will be demolished in accordance with Section 415-7(C)(a) of the Municipal Code and Section 10(1) of By-law No. 191.
- At its meeting on July 16, 2019, City Council approved the redevelopment of the Subject Lands but required issuance of an excavation and shoring permit prior to issuance of demolition permits pursuant to Section 111 of the *City of Toronto Act, 1997* and Section 33 of the *Planning Act*. The sequencing of these permits is required by the resolution of City Council and should not be used to deny MOD a credit against the City DCs or the EDCs.

Please let us know if further information is required in respect of these complaints. We look forward to this matter being considered as soon as possible by the Executive Committee. The redevelopment of the Subject Lands involves the delivery of twenty-two (22) units of new affordable housing, so the timely consideration of these complaints is imperative.

Notice to MOD with respect to this complaint can be provided to the undersigned.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

cc: Client

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