

## **Inclusionary Zoning Official Plan Amendment, Zoning By-law Amendment and Draft Implementation Guidelines - Supplementary Report**

**Date:** November 8, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** All

### **REASON FOR CONFIDENTIAL INFORMATION**

---

This report is about litigation or potential litigation that affects the City of Toronto.

The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

### **SUMMARY**

---

This report is supplementary to PH28.1 which will be considered by City Council at its meeting commencing on November 9, 2021.

### **RECOMMENDATIONS**

---

The City Solicitor recommends that:

City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

## FINANCIAL IMPACT

---

There are no financial implications resulting from the recommendations included in this report in the current budget year.

## DECISION HISTORY

---

At its meeting of October 28, 2021, Planning and Housing Committee considered item PH28.1, Inclusionary Zoning Official Plan Amendment, Zoning By-law Amendment and Draft Implementation Guidelines dated October 15, 2021. The staff report recommended adoption of the Official Plan Amendment and Zoning By-law Amendment for inclusionary zoning.

The Planning and Housing Committee requested that the City Solicitor report directly to the November 9, 2021 meeting of City Council on the legal implications of the following motion:

"1. City Council amend policies 13, 15 and 16 in the proposed Official Plan Amendment included as Attachment 1 to this report from the Chief Planner and Executive Director, City Planning, and reflect the same changes in the proposed Zoning By-law Amendment included as Attachment 2 to this report, so that the Official Plan Amendment now reads:

"13.a) ii. if a purpose-built rental development is proposed, a minimum requirement of 6 percent of the total new residential gross floor area shall be secured as affordable rental housing;

13.b) ii. if a purpose-built rental development is proposed, a minimum requirement of 3 percent of the total new residential gross floor area shall be secured as affordable rental housing;

15. The affordable rental housing required in Policy 3.2.1.13 a) i. will increase by 3.5 percent, b) i. will increase by 1.5 percent, and c) i. will increase by 0.5 percent per year beginning January 1, 2023 and until January 1, 2026. Affordable ownership housing requirements will be set at one point four times the affordable rental housing requirements.

16. Beginning January 1, 2022, the minimum affordable rental housing required in Policy 3.2.1.13 a) ii. will increase by 1 percent per year beginning January 1, 2023 until January 1, 2026"

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH28.1>

## **COMMENTS**

---

The confidential advice in Confidential Attachment 1 to this report responds to the request of the Planning and Housing Committee.

## **CONTACT**

---

Amanda Hill, Solicitor, Planning & Administrative Tribunal Law, 416-338-5790  
[Amanda.Hill@toronto.ca](mailto:Amanda.Hill@toronto.ca)

Kelly Matsumoto, Practice Lead, Planning & Administrative Tribunal Law, 416-392-8042  
[Kelly.Matsumoto@toronto.ca](mailto:Kelly.Matsumoto@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

Confidential Attachment 1 - Confidential Legal Advice