



John Elvidge
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October 26th, 2021

Dear Mayor Tory and Members of the Planning and Housing Committee:

Re: Item PH28.1, Inclusionary Zoning Official Plan Amendment, Zoning By-law Amendment and Draft Implementation Guidelines (Ward All - Statutory: Planning Act, RSO 1990)

My name is Michael Nguyen and I am the Vice President of Development at CTN Developments ("CTN"). I am writing the Planning and Housing Committee today to request that you consider revising the transition provisions in the Proposed Inclusionary Zoning By-law (the "IZ By-law") to reflect O. Reg 232/18, the Province's Regulation in respect of Inclusionary Zoning.

CTN applied for Zoning By-law Amendment and Draft Plan of Subdivision Applications for the property known as 1285, 1295, 1315 and 1325 Finch Avenue West, and 30 Tangiers Road, Toronto. These municipal addresses combine to create a large redevelopment block located southeast of the intersection of Keele Street and Finch Avenue West. Importantly, this area is underneath the flight paths of Downsview Airport and is also located in close proximity to the Finch West subway station and the site is directly adjacent to a planned LRT station on the Finch West LRT line, which is under construction. As such the site is ideal for high density redevelopment but the additional height and density to achieve this is subject to the timing of Downsview Airport ceasing its operations.

The Zoning By-law Amendment and Draft Plan of Subdivision applications were deemed complete in February of 2020.

The IZ By-law being considered today includes transition provisions (see 600.30.15.1 (1)) which would make the IZ By-law inapplicable to buildings or structures where:

- a) complete applications for a zoning by-law amendment and site plan approval were filed on or before September 18, 2022;
- b) a complete application for a zoning by-law amendment was filed and came into force before the passing of the community benefits charge by-law and a Section 37 Agreement was executed; or
- c) a complete application for site plan approval was filed on or before September 18, 2022.

These transition provisions are at odds with the transition provision set by the legislature in April of 2018 (see O. Reg. 232/18: INCLUSIONARY ZONING: <https://www.ontario.ca/laws/regulation/r18232>), which states:

“8. (1) An inclusionary zoning by-law does not apply to a development or redevelopment where....(c) on or before the day an official plan authorizing inclusionary zoning was adopted by the council of the municipality, a request for an amendment to an official plan, if required, and an application to amend a zoning by-law were made in respect of the development or redevelopment along with an application for either of the following:

(i) approval of a plan of subdivision under section 51 of the Act, or

(ii) approval of a description or an amendment to a description under section 9 of the Condominium Act, 1998;

CTN's complete application for zoning by-law amendment and plan of subdivision would exempt the development of 1285, 1295, 1315 and 1325 Finch Avenue West, and 30 Tangiers Road under the provincial regulation but would potentially not satisfy the City's Zoning By-law transition provision as drafted.

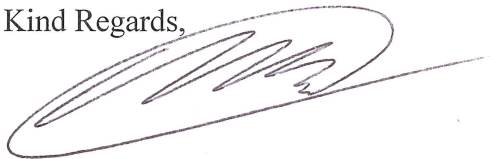
These conflicting transition provisions will create confusion about applicability and is particularly problematic for CTN. Given the prime transit location, provincial policy would support greater heights and densities at this location than what was applied for in the Zoning By-law Amendment. However, as mentioned, CTN Developments is awaiting Downsview Airport to cease operations before these heights can be secured. In that case, CTN is faced with the untenable position of having to apply for site plan approval for the current proposed heights despite knowing that these are not the final heights and the applications would be deficient post-Downsview. A site plan application at this time would not be useful to CTN or the City, and the cost of this exercise will be high.

This type of drafting conflict creates market uncertainty and upends the pro formas for CTN, who is delivering housing to the market in a major transit station area in accordance with provincial and City directives.

As such, I am writing to you to ask that your committee consider revising the transition provisions in the IZ By-law to reflect O. Reg 232/18.

Thank you for taking the time to review my comments and I hope you will consider same in your deliberations.

Kind Regards,



Michael Nguyen, Vice President, Development, CTN Developments

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