

October 27, 2021

BY EMAIL

Nancy Martins  
Secretariat, Planning and Housing Committee  
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Dear Chair and Members of Planning and Housing Committee:

**Re: Official Plan Amendment on Updating the Definition of Affordable Rental  
and Ownership Housing  
Item PH28.4  
Planning and Housing Committee Meeting of October 28, 2021**

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Aird & Berlis LLP acts on behalf a number of clients with respect to properties within the City of Toronto that would be affected by the abovementioned draft official plan amendment. We are specifically writing on behalf of those clients listed in **Appendix “A”** to this letter.

We have had an opportunity to review City Staff’s Report for Action “Official Plan Amendment on Updating the Definitions,” dated October 15, 2021, as well as the draft recommended Official Plan Amendment document (the “**Draft OPA**”). Although our clients are generally supportive of the City’s efforts to address the issue of affordable housing, there are a number of concerns with the Draft OPA, chief among which are the following:

**Harmonization in Definition but Not Approval Process**

We observe that the definitions introduced through the Draft OPA are intended to harmonize the Official Plan’s affordable housing definitions with the City’s proposed Inclusionary Zoning instruments. However, the process by which the Draft OPA and the Inclusionary Zoning framework are to be approved differ substantially. As the City is aware, there are no private appeal rights in respect of Inclusionary Zoning instruments; only the Minister of Municipal Affairs and Housing has the right to appeal. On the other hand, the Draft OPA is subject to private appeals to the Ontario Land Tribunal (the “**Tribunal**”) in accordance with the process outlined in the *Planning Act*. These different processes may result in different language in the instruments, which would defeat the purpose underlying the City’s harmonization exercise. As such, it would be inappropriate to adopt one set of definitions in one planning instrument in order to harmonize it with another planning instrument which itself may be subject to further changes.

**No Transition Provision for Existing Applications and Approvals in Principle with Affordable Housing**

The Draft OPA does not take account of, and does not provide a any transition for, developments with an affordable housing component which have been approved in principle or are the subject of a settlement, but await approval of final planning instruments. In our view, notwithstanding our comments above, a transition provision should be added to clarify that these amended affordable housing definitions do not apply to development projects:

- a) that are the subject of development applications filed prior to Council's adoption of the Draft OPA; or
- b) with an affordable housing component that have been approved in principle by either Council or the Tribunal.

Our clients reserve their rights to raise other grounds of objection with respect to the substantive provisions and merits of the proposed instruments.

Given the outstanding concerns, we request that the Draft OPA be referred back to planning staff for further consultation with affected landowners and consideration of further revisions, in particular as it relates to transition provisions, prior to being considered by City Council for adoption. We would welcome the opportunity to continue dialogue with the City with respect to this draft instrument to address the concerns outlined above.

Lastly, we request that the undersigned be provided with notice of any future meetings related to this matter and for notice of any decision of City Council, including its Committees of Council, concerning the proposed official plan amendment.

Should you have any questions regarding this matter or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Tomasella  
SJT/JGP/cg

cc: client

**APPENDIX "A"**

1. 1910 Davisville Centre Inc. and 1920/1944 Davisville Centre Inc.
2. 2808-2810 Keele Inc.
3. 3000 Dufferin Street Limited. and Finch-Main Plaza Limited
4. 3C Lakeshore Inc.
5. Allied Properties REIT
6. Amdev (Yonge) L.P.
7. CP REIT Ontario Properties Limited
8. Choice Grosvenor/Grenville Inc.
9. CPH Master Limited Partnership
10. First Capital Realty Inc.
11. Fisherville and Bathurst Ltd.
12. Greenwin Holdings Inc.
13. Grosvenor/Grenville Greenwin Inc.
14. King Financial Holdings Ltd.
15. Kingsett Capital Inc.
16. Lakeshore Development LP
17. Lamb Development Corp.
18. MOD Developments Inc.
19. Montrin Richview GP Inc.
20. The Pemberton Group
21. Timbercreek Four Quadrant GP 2 Inc.
22. Timbertrin (Dundas/Bloor) Inc.
23. Trinity Development Group Inc.
24. Woodcliffe Landmark Properties Limited

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