

July 11, 2022

Our File No.: 161101

**Via Email**

City of Toronto Executive Committee  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Julie Amoroso, Secretariat**

Dear Sirs/Mesdames:

**Re: Item EX34.3 – Growth Funding Tools – Alternative Parkland Dedication Rate**

We are counsel to Brimley Progress Developments Inc. in respect of the lands known municipally as 1680 Brimley Road in Scarborough Centre (the “**Brimley Lands**”). We write on behalf of our client to express its concerns with the draft official plan amendment relating to parkland dedication (the “**Draft OPA**”) and the associated draft parkland dedication by-law (the “**Draft By-law**”). As outlined below, technical revisions to the proposed instruments are required to ensure that an outdated provision of the Scarborough Centre Secondary Plan (the “**Secondary Plan**”) does not apply to the Brimley Lands, in accordance with City staff’s direction regarding parkland dedication.

**Background**

The Brimley Lands have an area of approximately 17,940 square metres and are located at the southwest corner of Progress Avenue and Brimley Road, just one block west of the Scarborough Town Centre. In 2017, the Ontario Municipal Board approved a four tower mixed-use redevelopment of the site, following a settlement with the City and surrounding landowners. The zoning by-law amendment to permit the proposed development is now in full force and effect and our client is in the late stages of the site plan approval process. Construction is expected to commence before the end of this year.

**Parkland Matters for the Brimley Lands**

Parkland dedication obligations in connection with the redevelopment of the Brimley Lands are to be satisfied through cash-in-lieu, in accordance with the direction of City staff. Given the size of the Brimley Lands, under the current parkland dedication provisions in the Municipal Code, the parkland dedication required for the residential component of the development would be subject



to a 15% cap. However, as a result of certain policies in the Secondary Plan, that generally applicable cap technically does not apply to the Brimley Lands. Specifically, Policy 6.3 in the Secondary Plan provides the same parkland dedication rate as set out in the Municipal Code, but does not include a cap, which City staff take to mean that no cap on the amount of parkland dedication applies.

Policy 6.3 of the Secondary is outdated. The Secondary Plan was approved over 15 years ago and Policy 6.3 is inappropriate and financially punitive for an area identified in the Growth Plan as an Urban Growth Centre, and the City of Toronto Official Plan as a Centre. For these reasons, Council has commonly exempted developments from Policy 6.3, in order to ensure the generally applicable caps on parkland dedication apply as a matter of good planning. Consistent with this past practice, City staff have indicated in comments provided on our client's site plan application that notwithstanding policy 6.3 in the Secondary Plan, the intention is for the 15% parkland dedication cap to apply to the residential component of the development of the Brimley lands. To this end, staff have suggested an official plan amendment to exempt the Brimley Lands from policy 6.3 of the Secondary Plan.

### **The Draft Parkland Instruments**

In light of the circumstances outlined above, our client followed City staff's study process regarding its proposed parkland instruments closely. Our client was pleased that the draft instruments released for public consultation in April of this year proposed to delete policy 6.3 of the Secondary Plan (and similar policies in other Secondary Plans). The draft by-law released at that time also appropriately did not include any provisions that allow the parkland dedication rate in Secondary Plan to prevail over the City-wide rates in the by-law. If these aspects of the instruments were approved as proposed in April, it would have had the effect of ensuring that the City-wide parkland dedication cap applies to the Brimley Lands. In doing so, it would have effectively implemented City staff's direction regarding parkland dedication for the Brimley Lands.

However, the Draft OPA that is now before the Committee no longer deletes policy 6.3 of the Secondary Plan the provision in the Secondary Plan. The Draft By-law also includes provisions that allow policy 6.3 in the Secondary Plan to prevail over the City-wide caps parkland dedication by-law (see §415-31(D) of the Draft By-law). Further, even though the Draft By-law includes site-specific parkland provisions for certain properties, there are no such provisions included for the Brimley Lands.

We recognize that the Draft OPA and Draft By-law are proposed as "interim measures" until City staff report to Council further in 2023 with further recommendations on parkland matters. However, even in the interim, there is no basis to exclude the Brimley Lands from the parkland dedication caps that apply City-wide. Further, given our client's intended construction schedule, the parkland updates that may come forward in 2023 are unlikely to take effect at the time our client is required to satisfy its parkland dedication obligations.



### **Requested Revisions to the Draft Instruments**

As City staff recognize, there is no basis to treat parkland dedication for the Brimley Lands differently than other lands within the City that are subject to the City-wide parkland dedication caps. In these circumstances, we respectfully request that the Draft OPA be revised to delete policy 6.3 from the Secondary Plan as staff proposed in the draft materials released for consultation in April 2022. Further, the Draft By-law should be revised to delete §415-31(D). At minimum, our client would consider the inclusion of a site-specific provision in the Draft By-law providing that the parkland dedication rates in §415-23 of the Draft By-law, including the caps, apply to the Brimley Lands notwithstanding the Secondary Plan. These revisions would appropriately implement City staff's direction with respect to parkland dedication for the Brimley Lands.

We appreciate the opportunity to provide these comments on behalf of our client and would be pleased to meet with City staff to discuss further. Please also accept this letter as our request for notice of any decisions relating to this matter.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink that reads "Max Laskin".

Max Laskin  
ML/  
cc: Client

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