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File No. 23076

October 4, 2023

VIA EMAIL [clerk@toronto.ca](mailto:clerk@toronto.ca)

Toronto City Council  
12th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Sylwia Przewdziecki, City Council Secretariat**

Dear Mayor and Members of Council,

**Re: Item PH6.2  
City Council Meeting Scheduled for October 11, 2023  
Official Plan Amendment 688  
Letter of Objection filed on behalf of Fengate Asset Management**

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Please be advised that we represent Fengate Asset Management (“Fengate”) in the above noted matter. On behalf of its investors, Fengate manages numerous properties around Toronto and has multiple development applications with the City.

At its meeting on September 28, 2023, Planning and Housing Committee (the “Committee”) adopted City Staff recommendations that City Council adopt Official Plan Amendment 688 (the “OPA”). The intent of the OPA is to prohibit a site plan approval application for properties in the City of Toronto unless the proposed development is in compliance with the applicable zoning by-law(s) for the site. For Fengate, and for developers throughout the city, the OPA could drastically increase development timelines and slow the construction of much-needed housing, including affordable housing, which is in direct opposition to the purpose and intent of the legislative changes set out in Bill 109 and Bill 23.

Requiring in-effect zoning compliance as part of the Site Plan Control application submission will not only increase the costs of development but prolong timelines for building permit approvals. The OPA does not promote the goals nor the intention of the Provincial Policy Statement (the “PPS”), nor the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”).

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We note the OPA does not support the following policies of the PPS:

1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

We also note the OPA does not support a number of policies of the Growth Plan including, but not limited to Policies 1.2.1, 2.1, 2.2.1.4 and 2.2.6 a) i.

The OPA will introduce a significant additional bottleneck to the development pipeline, which costs will likely be passed down to the purchasers of new homes across the City of Toronto. The *Planning Act* explicitly outlines that a primary purpose is to “provide for planning process[es] that are fair by making them open accessible, timely and efficient (emphasis added)”. Assessing the Zoning By-law amendment and Site Plan Approvals simultaneously is both more timely and more efficient compared to the proposed changes in the OPA.

In our opinion the OPA does not constitute good planning, nor does it further the interests of the Province or the citizens of Toronto. The OPA will likely have cascading effects on the entire planning and building permit process in Toronto. Although there may be circumstances where a Site Plan Approval application would be premature until the necessary zoning is in place, a blanket prohibition for all Site Plan Approval applications is inappropriate and contrary to the intent of the Provincial legislative changes to the *Planning Act*.

For the reasons outlined above we would respectfully request that City Council not approve the OPA in its current form. If the OPA is adopted by City Council, our client reserves the right to appeal the OPA to the Ontario Land Tribunal.

This letter is also to request notice for all further decisions, meetings, reports, etc. related to this matter.

Thank you for City Council's consideration of the concerns with OPA 688 raised in this letter.

Yours truly,

**KAGAN SHASTRI DeMELO WINER PARK LLP**

A handwritten signature in blue ink, appearing to be 'J-P' with a large flourish underneath.

Jason Park  
JIP/AGF/DP/ss

cc: Fengate Asset Management

Please reply to the: Downtown Office