

5 October 2023

Delivered via E-mail

City Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: John D. Elvidge, City Clerk

Dear Madam Mayor and City Councillors:

**Re: Bill 109 Implementation, Phase 3 – Recommended Official Plan and
Municipal Code Amendments Respecting Site Plan Control**

We represent Forum Asset Management (“Forum”), the owner, developer, and operator of various residential and mixed-use properties in the City of Toronto. We write on behalf of Forum to provide its comments on draft Official Plan Amendment No. 688 (the “Draft OPA”) and associated amendments to Chapter 415 of the Municipal Code (the “Municipal Code Amendments”). We understand this matter will be considered by City Council at its meeting on 11 October 2023.

While Forum appreciates the City’s concern respecting cost recovery associated with development applications, the City’s proposed approach to deal with these changes threatens to significantly lengthen the approvals process, and therefore the delivery of new homes to the City. This is clearly contrary to the legislative intent of Bill 109.

The proposal to require in-effect zoning as part of a complete application for site plan applications (“SPA”) is particularly troubling. The ability to file an SPA and have it considered concurrently with an official plan and/or zoning by-law amendment application (“OPA/ZBLA”) is a tool that is commonly used to introduce greater efficiency to the process (clearly evidenced by the fact stated in the staff report that 84% of SPA from 1 January 2019 to 31 July 2023 were filed before a decision was made on the OPA/ZBLA). In large part, this is because the plans and reports required for the OPA/ZBLA and SPA have significant overlap. Eliminating the ability to conduct a concurrent review of those plans and reports will result in duplicative efforts and increasing total processing time. This is neither in the interest of the applicants or the City, nor in fact the public.

Allowing concurrent reviews also reduces or eliminates the need to obtain further ZBLAs or minor variances once the site plan review is complete. Having to file additional technical “clean-up” applications



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at the end of an already lengthy process is also certainly not in the interest of the applicants, City or public and will further delay construction of much needed housing.

It is respectfully submitted that for the above-stated reasons the Draft OPA and Municipal Code Amendments should not be adopted. Further thought needs to occur on how the City can achieve its cost recovery efforts while still promoting efficiency in the approvals process. It is Forum's submission that allowing some form of concurrent review is critical to striking that balance.

If the City insists on eliminating concurrent reviews, consideration should be had to simplifying the OPA/ZBLA process and materials (plans and reports) requested and required to avoid unnecessary duplication and the need for further ZBLA and minor variances. This could be achieved by eliminating technical details from the OPA/ZBLA process and keeping it to matters such as use, massing, and built form. Technical details would then be left as SPA matters.

Apart from the inherent inefficiency of removing concurrent reviews, it is questionable whether the requirement to have in-effect zoning constitutes "information and material" that Council is entitled to request as part of an SPA complete application per subsections 114 (4.3) and (4.4) of the *City of Toronto Act, 2006*. The intent of that provision is clearly to ensure that applicants are not filing "bare bones" applications that are insufficient for a proper review. Requiring in-effect zoning goes well beyond that intent.

Forum is encouraged by the additional recommendations made by Planning and Housing Committee, however remains of the view that further consultation is appropriate prior to adopting the Draft OPA and Municipal Code Amendments. For that reason, Forum respectfully submits that the matter be deferred to allow that consultation to occur. Without further changes to those amendments, Forum will have no choice but to appeal the Draft OPA.

Please provide the undersigned with notice of any decision made in relation to this matter.

Yours very truly,

Wood Bull LLP

A handwritten signature in black ink, appearing to be "JRS", is written below the firm name.

Johanna R. Shapira

JRS