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Our File No.: 000031

**Delivered Via Email**

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

**Attention: Sylwia Przewdziecki (councilmeeting@toronto.ca)**

Dear Sirs/Mesdames:

**Re: Item No. PH6.2 – Bill 109 Implementation, Phase 3 – Recommended Official Plan and Municipal Code Amendments Respecting Site Plan Control Proposed Official Plan Amendment No. 688**

We are solicitors for Reserve Properties, which has interest in various properties throughout the City. We are writing to provide our client's comments regarding the above-noted matter, including but not limited to proposed Official Plan Amendment No. 688 (the "**Draft OPA**"). We understand that many stakeholders requested that Planning and Housing Committee defer the above-noted matter to allow for appropriate consultation regarding the Draft OPA and the proposed amendments to the Municipal Code.

We are writing to City Council to express similar concerns on behalf of our client and urge City Council to reconsider the approach proposed by City staff. While our client appreciates City concerns related to certain aspects of Bill 109, the City's proposed approach will lengthen the planning process and cause further delay in the delivery of housing. In particular, the Draft OPA and the proposed amendments to the Municipal Code would eliminate concurrent review and processing of zoning by-law amendment and site plan control applications, thereby leading to unnecessary and duplicative review processes. These proposed changes are especially problematic when significant aspects of the City's planning process utilize complete site plan applications as a milestone for transition.

Our client is also concerned with certain statements made to Planning and Housing Committee regarding the planning process in other municipalities. We can confirm that rezoning and site plan applications are processed concurrently in many municipalities because, as noted below, the applications inform each other and concurrent review actually enables a more efficient planning process. While a site plan application may not always be filed with the initial rezoning application,

it is typical for a site plan application to be filed while the rezoning application is still being considered. Unfortunately, the Draft OPA would preclude such an approach.

As a summary of our client's overall concerns:

- The Draft OPA would establish “in-effect zoning compliance” as a complete application for site plan control applications. Not only does this proposed approach eliminate the statutory right of our client to file a site plan control application, but also it is contrary to subsection 114(4.3) of the *City of Toronto Act, 2006*, which only allows the City to require additional information and material and not create a new threshold of zoning compliance.
- The proposed amendments to Section 415-19.2 of Chapter 415 of the Municipal Code that would prohibit concurrent mandatory pre-application consultation are contrary to subsection 114(4) of the *City of Toronto Act, 2006*, which limits the City's jurisdiction only to requiring a pre-application consultation meeting as opposed to setting terms and conditions for such pre-application consultation.
- Important aspects of the City's planning process utilize complete site plan applications as a milestone for transition. Examples include but are not limited to inclusionary zoning and Toronto Green Standards, meaning that the City's proposed approach will introduce greater financial uncertainty for proposed developments, and therefore increase the cost of housing overall, by eliminating the ability of an applicant to create certainty regarding significant conditions of approval and matters of implementation.
- The Draft OPA and proposed amendments to the Municipal Code are not accompanied by corresponding revisions to the zoning by-law amendment review process, in that the City will still require submission of detailed and duplicative zoning materials. This item should only move forward if the City also implements changes to its planning process to expedite review of rezoning applications, which could include limiting the requirements for a complete zoning application.
- There is good reason to enable concurrent rezoning and site plan applications. The current practice enables the implementing zoning by-law amendment to be finalized concurrently with the site plan, or at least on the basis of a site plan application with potential resubmissions. This approach ensures that the rezoning and site plan applications are consistent and minimizes the potential for subsequent variance applications.

As with other stakeholders, our client is prepared to engage City staff in an effort to find improvements to the planning process that address the City's concerns while maintaining an efficient planning process. However, absent deferral of the Draft OPA, our client will have no choice but to appeal it if it is adopted in its current form.

We would also appreciate being included on the notice list for any decision of City Council regarding this matter.

Yours truly,

**Goodmans LLP**



David Bronskill  
DJB/

cc. Client

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