

October 10, 2023

Mayor and Members of Council
Toronto City Hall
100 Queen Street West, 13th Floor
Toronto, Ontario
M5H 2N2

Attention: Sylwia Przedziecki

Dear Mayor Chow and Members of Council:

Re: NOTICE OF CONCERN with the proposed City Initiated Official Plan Amendment No. 688 (“OPA 688”) as they affect the properties identified in Schedule “A”

And Re: REQUEST FOR DEFERRAL in respect of the City Initiated Official Plan Amendment No. 688

And Re: REQUEST FOR RECEIPT OF ANY AND ALL FUTURE REPORTS in respect of the City Initiated Official Plan Amendment No. 688

And Re: REQUEST FOR NOTIFICATION of any meetings of Council, Committees of Council, Community Council and/or Public Meetings and/or Community Information Meetings where the City Initiated Official Plan Amendment No. 688 is to be considered.

And Re: REQUEST FOR NOTIFICATION of the passage of the City Official Plan Amendment No. 688.

City Council Agenda Item No.: PH6.2

We act on behalf of a number of applicants/owners/developers (attached as Schedule “A” to this letter) of various sites throughout the city who have and/or are working on applications to redevelop their respective properties. In forward in an expeditious manner, our clients have and continue to be focussed on both a cooperative and expeditious planning process that minimizes both the time and cost of the processing of such applications.

When the province moved forward with Bill 109, *the More Homes for Everyone Act, 2022* (hereinafter referred to as “Bill 109”), our clients were supportive of the efforts to assist both the development community and the various municipalities in providing a more expedited cost-effective way much needed housing could be delivered to the marketplace. In recent times, the rising interest rates and general difficulty in the marketplace have made it, at the very least, challenging to deliver housing to the Province of Ontario, and in this instance, the City of Toronto. Our clients are sensitive to other provisions of Bill 109 that affect the City’s planning budget,

however, the proposed amendments put forward as set out in the report which are you are to consider at Council, in our client's respectful submission, "might" address the City's concern relating to the refund of fees, however, to the complete detriment of the stated and intended goal of the legislation which is to deliver housing in a timely and cost effective manner.

While the sole focus of the City's desire to minimize the loss of fees might be achieved by the proposed OPA 688, the following are the significant adverse consequences on the ability of both the applicants/owners/developers and the City to bring forward housing in a timely and cost-effective manner:


1. Adding a Site Plan process "after the zoning is approved", means that City Staff, in many instances, will spend twice the amount of time reviewing virtually the identical materials that they could have easily reviewed if both applications were filed at the same time. In the past, the City and the various applicants saw the benefit and cost effectiveness of filing an official plan amendment and rezoning lock step with a site plan application for these very same reasons. To now require the site plan application to be deferred to a date following zoning approval, means that the City and the applicant will be faced with significant additional processing costs;
2. In addition to a duplication of the virtually same process, and in addition to the added cost to both the City and the applicants, the length of the process from beginning to end will be significantly increased, which again, delays the delivery housing to the marketplace;
3. The additional cost of both the process and added time, in turn, increase the cost of the eventual product which will be brought to the market given that the consumer will be forced to incur the additional financing costs that the applicant will incur because of the extended timeline for approvals; and
4. With the extended timeline for the filing of an application for site plan approval, not only will the same process be duplicated, the site plan process may include new staff who were not part of the original processing, and as such, those new staff who had no input in the original process may take a different approach and require revisions and/or amendments to the plans that would not have been required had the originating City Staff remained on the file.

In light of the foregoing, our clients hereby oppose the current form of proposed OPA 688, and as such, would strongly urge Council to defer its consideration of same to allow the City and various industry representatives to work on a cooperative resolution of the City's concerns. Furthermore, we would respectfully request that both the writer and our respective clients, at the addresses and email addresses set out in the schedule attached hereto, are provided with notice of any future meetings of Council, Committees of Council, passages of by-laws relating to OPA 688 or any related matters to OPA 688. We also request that we are provided with copies of any future reports prepared by City Staff and/or Council which consider this matter and/or related matters.

Conclusion

On behalf of our clients, we respectfully request that Council reconsider the approach to implementing the objectives of Bill 109 and request to be updated on any related Council regarding this matter. Should you have any questions or require any additional information, please do not hesitate to contact the writer or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Adam J. Brown", with a long horizontal flourish extending to the right.

Adam J. Brown

SCHEDULE "A"

LIST OF OWNERS/APPLICANTS

(*please copy all applicants and Adam Brown and Jessica Smuskowitz at Adam@Shermanbrown.com and Jessica.s@shermanbrown.com)

Calmco Inc. (general City-wide objection)
40 Holly Street, Suite 404
Toronto, ON, M4S 3C3

Attention: Ms. Catherine Bertucci (c.bertucci@rogers.com)

55-75 Brownlow Avenue
c/o Menkes Developments
4711 Yonge Street, Suite 1400
Toronto, ON, M2N 7E4

Attention: Mr. Jude Tersigni (jude.tersigni@menkes.com)

239-255 Dundas Street East
c/o Metropia Inc.
2300 Yonge Street, Unit 807
Toronto, ON, M4P 1E4

Attention: Mr. Sam Frum (sam@metropia.ca)

180 Dundas Street West, 123 Edward Street & 65 Centre Avenue
c/o Crown Realty Partners
400 University Avenue, Suite 1900
Toronto, ON M5G 1S5

Attention: Ms. Lauryn Pittana (Lpittana@crp-cpmi.com)

90-94 Isabella Street
c/o Capital Developments
45 St. Clair Avenue West, Suite 1202
Toronto, ON, M4V 1K9

Attention: Mr. Carlo Timpano (carlo@capitaldevelopments.com)

Lash Group (general City-wide objection)
10 Kodiak Crescent, Suite 200
Toronto, ON, M3J 3G5

Attention: Mr. Larry Blankenstein (larryb@lashgroup.ca)

399-405 Yonge Street
c/o Capital Developments
45 St. Clair Avenue West, Suite 1202
Toronto, ON, M4V 1K9

Attention: Carlo Timpano (carlo@capitaldevelopments.com)

80-82 Bloor Street West
c/o Krugarand Corporation
80 Bloor Street West, Suite 505
Toronto, ON, M5S 2V1

Attention: Mr. Edwin Luk (eluk@forwardmedium.com)

1233 Yonge Street & 9 Woodlawn Avenue East
c/o Coriam Capital Management Corp.
970 Lawrence Avenue West, Suite 205
Toronto, ON, M6A 3B6

Attention: Mr. Sean Eisen (sean@coriamcapital.com)

2 Carlton Street
250 University Avenue
483-491 Bay Street & 20 Albert Street
235-245 Yorkland Blvd.
c/o Northam Realty Advisors Limited
2 Carlton Street, Suite 909
Toronto, ON, M5B 1J3

Attention: Mr. Craig Walters (cwalters@northamrealty.com)

1956-1986 Weston Road & 1-5 Little Avenue
c/o Westhaven Management
23 Raitherm Road
Toronto, ON, M6B 1S7

Attention: Ms. Michelle Groccia (mgroccia@westhavenmgmt.ca)

3101 & 3157 Bathurst Street
2270 & 2274 Weston Road
c/o Medallion Corp.
970 Lawrence Avenue West, Suite 304
Toronto, ON, M6A 3B6

Attention: Mr. Rad Vucicevich (radvucicevich@medallioncorp.com)

131 Baldwin Street
23-25 Glen Watford Drive
c/o Shiupong Group of Companies
131 Baldwin Street
Toronto, ON, M5T 1L7

Attention: Ms. Winnie Fong (winnief@shiupong.com)

1213-1235 York Mills Road
c/o Alit Don Valley Property Inc.
3100 Steeles Avenue East, Suite 700
Markham ON, L3R 8T3

Attention: Mr. Illy Taiber (Illy@alit.ca)