

## **Amendment to Chapter 415, Development of Land of the Toronto Municipal Code - Toronto Green Standard**

**Date:** November 13, 2023

**To:** Planning and Housing Committee and City Council

**From:** City Solicitor

**Wards:** All

### **SUMMARY**

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It has come to the attention of City Staff that there are questions on the interpretation of Sections 415-7 A. (6) and 415-7 B. (3). This report proposes a clarification to improve readability and accessibility of those sections. The proposed amendments will also ensure consistent interpretation and application of the sunset clause for enrollment in the Toronto Green Standard ("TGS") development charge refund program.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council amend the City of Toronto Municipal Code, Chapter 415, Development of Land, Section 415-7 A. (6) and Section 415-7 B. (3) substantially in accordance with Attachment 1 to this Report from the City Solicitor.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the amendments to the City of Toronto Municipal Code as may be required.

### **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the recommendations in this report beyond what has already been approved in the current year's budget.

### **DECISION HISTORY**

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On August 15, 2022, City Council enacted By-law 1137-2022 which included Section 415-7 A. (6) and Section 415-7 B. (3) pertaining to eligibility to enroll in a former version of the TGS for the purposes of the development charge refund program, which can be viewed at:

<https://www.toronto.ca/legdocs/bylaws/2022/law1137.pdf>

## COMMENTS

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City staff have been told that it is not clear what is required to be submitted to the City and when in order to be eligible for the one year time-frame included in the TGS development charge refund process.

This report proposes a clarification to the language of Sections 415-7 A. (6) and 415-7 B. (3) to improve readability and accessibility to ensure consistent interpretation and application of the sunset clause for enrollment in the TGS development charge refund program.

The proposed amendments to the municipal code language do not change the substantive intent or requirement for enrollment which is 1 year from the date of the effective date of the most recent TGS adopted by Council. The TGS, Tier 2 or higher development charge refund program is an optional and discretionary policy program established by Council to incentivize more green development through higher tiers of the TGS. There is no legislative requirement for Council to operate or provide for this program. Current Sections A.(6) and B.(3) ensure that projects that were submitted under older versions of the TGS are no longer eligible for the development charge credit within one year from Council's adoption of the updated TGS. The recommended amendments continue to clearly identify a development charge credit sunset period, while providing clarity as to the process. This ensures that projects receiving financial payment from the City are meeting the most up to date TGS standards. This also continues to mitigate the City's financial exposure while continuing to ensure better environmental performance of buildings is incentivized.

The City Solicitor has consulted with the Chief Planner and Executive Director, City Planning in the preparation of this report and clarification amendment to these Sections. The City Solicitor recommends the amendments to the Municipal Code.

## CONTACT

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## SIGNATURE

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Attachment 1 - Proposed Amendments to Sections 415-7 A. (6) and 415-7 B. (3)