

Christopher J. Tanzola
Partner
Direct 416-730-0645
Cell 416-428-7493
ctanzola@overlandllp.ca

Overland LLP
5255 Yonge St, Suite 1101
Toronto, ON M2N 6P4
Tel 416-730-0337
overlandllp.ca



September 27, 2023

VIA EMAIL

Planning and Housing Committee
100 Queen Street West
10th Fl., West Tower
Toronto, ON M5H 2N2

Attention: Nancy Martins, Administrator

Dear Members of the Planning and Housing Committee:

RE: PH6.2 – Bill 109 Implementation, Phase 3 – Recommended Official Plan and Municipal Code Amendments respecting Site Plan Control

We are the lawyers for Tercot Acquisitions Limited (“**Tercot**”), who have an interest in the lands municipally known as 2485 Eglinton Avenue West (the “**Site**”) in the City of Toronto (the “**City**”). We have reviewed the Report for Action titled “*Bill 109 Implementation, Phase 3 - Recommended Official Plan and Municipal Code Amendments respecting Site Plan Control*” dated September 14, 2023 (the “**Staff Report**”), the proposed Official Plan Amendment No. 688 (“**Draft OPA 688**”) and the related amendments to Chapter 415, Article V and Chapter 415-19.2 of the City’s Municipal Code (the “**Proposed Municipal Code Amendments**”) that will be considered by the Planning and Housing Committee (the “**Committee**”) at its meeting of September 28, 2023.

On behalf of Tercot, we write to provide our preliminary concerns with respect to Draft OPA 688 and the Proposed Municipal Code Amendments, which are set out below.

Background

The Site is located on the south side of Eglinton Avenue West and approximately 550 metres east of the Keele Street and Eglinton Avenue West intersection. The Site is currently occupied by a 1-storey vehicle repair centre and associated surface parking lot. Tercot is currently in the process of preparing applications for an official plan amendment, zoning by-law amendment, plan of condominium and site plan approval to facilitate the redevelopment of the Site with a mixed-use building.

Prior to the implementation of the City’s Mandatory Pre-Application Consultation By-law, Tercot and its consultants attended a voluntary pre-application consultation meeting with City Staff to discuss the redevelopment of the Site. As a result of this meeting, a Planning Application Checklist Package (“**PAC Checklist**”) was issued with respect to each of the proposed development applications noted above.

We understand that Draft OPA 688 proposes to amend Schedule 3 of the City's Official Plan, which contains the City's additional complete application requirements for various development applications, to add in-effect zoning compliance as a new requirement for site plan approval applications. The Proposed Municipal Code Amendments relate to various procedural matters in the development application review process, which include, but are not limited to, the establishment of validity periods for PAC Checklist and the removal of concurrent consultation meetings for site plan approval applications with other development applications.

While Tercot is still undertaking a review of the proposed amendments under Draft OPA 688 and the Proposed Municipal Code Amendments, it is concerned with the potential impacts that these changes may have on its impending development applications, specifically as they relate to the validity of the issued PAC Checklist and the possibility that the City may impose multiple, duplicative pre-application consultation meetings prior to submission.

General Concerns with the Proposed Amendments

Tercot is also generally concerned that the changes proposed by Draft OPA 688 and the Proposed Municipal Code Amendments are overly onerous on an applicant and are contrary to the legislative intention of Bill 109, provincial direction accelerate the development approval process and to the purpose of the *Planning Act* as set out in Section 1.1 (d) "*to provide for planning processes that are fair by making them open, accessible, timely and efficient.*"

This is further compounded by the fact that neither Draft OPA 688 or the Proposed Municipal Code Amendments provide a timeline for the scheduling of a mandatory pre-application consultation meeting, adding to the uncertainty surrounding the timelines for the submission and review of any development application.

Implementing a requirement for zoning compliance prior to the submission and decoupling the pre-application consultation process for site plan approval application will only serve to delay the formal application review process, prolong development timelines, and increase the costs of development – all of which will affect the timely and efficient delivery of housing in the City.

Applicants have statutory rights under the *Planning Act* and *City of Toronto Act* to make development applications and for those applications to be considered by the City in accordance with their respective statutory timelines. It is our submission, on behalf of Tercot, that the City cannot extend its statutory authority under the *Planning Act* or the *City of Toronto Act* to require "other information and material" or pre-consultation as a means to require something that the municipality lacks the legal jurisdiction to impose.

Request for Notice

We thank the Committee for the opportunity to provide input on Draft OPA 688 and the Proposed Municipal Code Amendments. We ask that you please provide us with notice of any decision by City Council in respect of this matter by regular mail (to the service address noted above) and via e-mail.

Please contact the undersigned and Justine Reyes (at jreyes@overlandllp.ca) if you have any questions regarding this correspondence.

Yours truly,
Overland LLP

A handwritten signature in black ink, appearing to read 'CJ Tanzola', with a large, sweeping flourish extending to the right.

Per: Christopher J. Tanzola
Partner