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File No. 23387

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VIA EMAIL [phc@toronto.ca](mailto:phc@toronto.ca)

Planning and Housing Committee  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Nancy Martins**

Dear Members of Planning and Housing Committee,

**Re: Item PH6.2  
Planning and Housing Committee Meeting Scheduled for September 28, 2023  
Official Plan Amendment 688  
Letter of Objection filed on behalf of ARKFIELD Development**

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Please be advised that we represent ARKFIELD Development. ("ArkField") in the above noted matter.

It has recently come to our attention that there is a City Staff report before the Planning and Housing Committee (the "Committee") which recommends approving Official Plan Amendment 688 (the "OPA"). The intent of the OPA is to prohibit a site plan approval application for properties in the City of Toronto unless the proposed development is in compliance with the applicable zoning by-law(s) for the site. ArkField and its related companies own numerous properties around Toronto and have multiple development applications with the City. The OPA could possibly drastically increase development timelines and slow the construction of much needed housing, including affordable housing, which is against the purpose and intent of the legislative changes set out in Bill 109 and Bill 23.

Requiring in-effect zoning compliance as part of the Site Plan Control application will not only increase costs of development but prolong timelines for building permit approvals. The OPA does not promote the goals nor the intention of the Provincial Policy Statement (the "PPS"), nor the Growth Plan for the Greater Golden Horseshoe (the "Growth Plan").

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We note the OPA does not support several of the policies of the PPS, including but not limited to:

1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

We also note the OPA does not support a number of the policies of the Growth Plan including, but not limited to, Policies 1.2.1, 2.1, 2.2.1.4, and 2.2.6 a) i.

The OPA will introduce a significant additional bottleneck to the development pipeline, which costs will likely be passed down to the purchasers of new homes across the City of Toronto. The *Planning Act* explicitly outlines that a primary purpose is to “provide for planning process[es] that are fair by making them open accessible timely and efficient (emphasis added)”. Assessing the Zoning By-law amendment and Site Plan Approvals simultaneously is both more timely and efficient compared to the proposed changes in the OPA.

In our opinion the OPA does not constitute good planning nor further the interests of the Province or the citizens of Toronto. The OPA will likely have cascading effects on the entire planning and building permit process in Toronto. Although there may be circumstances where a Site Plan Approval application would be premature until the necessary zoning is in place, a blanket prohibition for all Site Plan Approval applications is inappropriate and contrary to the intent of the Provincial legislative changes to the *Planning Act*.

For the reasons outlined above we would respectfully request that the Committee and/or City Council not approve the OPA in its current form. If the OPA is adopted by

City Council, our client reserves the right to appeal the OPA to the Ontario Land Tribunal.

This letter is also to request notice for all further decisions, meetings, reports, etc. related to this matter.

Thank you for the Committee's consideration of this letter.

Yours truly,

**KAGAN SHASTRI DeMELO WINER PARK LLP**



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Please reply to the:      Downtown Office