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Via Email

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

Attention: Nancy Martins

Dear Chair and Members of 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 solicitors to Minto Communities Canada Inc. and Minto Properties Inc. (collectively “Minto”) as well as Minto’s subsidiaries (collectively, the “Companies”), which have interests in numerous land holdings within the City of Toronto (the “City”).

The Companies have been building new homes, master-planned communities, and condominiums for over 65 years, including many in the City. The Companies currently have multiple projects in the City that are under construction and progressing through the planning approvals process. The Companies also anticipate submitting future planning applications in the future to facilitate the development and construction of new homes and non-residential uses. These projects include updating and optimizing older residential sites with new in-fill development, and the construction of much-needed rental housing, affordable housing for seniors, and vibrant mixed-use communities.

Among other things, the Companies are concerned that proposed Official Plan Amendment 688 (“OPA 688”), which would require in-force zoning to be in place as part of a complete application for Site Plan Control, would create unnecessary delays in obtaining required approvals and the construction of new housing, in the context of an on-going shortage of housing.

The Companies are also concerned that proposed OPA 688 would make it harder for the City to assess the merits of proposed new developments by separating zoning and site plan considerations, and limiting the information available to the City.

Historically, the Companies have often submitted their applications for Site Plan Control concurrently with applications for zoning by-law amendments. In the context of development proposals that raise potentially complex issues, this has provided the City with thorough information in the form of plans and drawings and supporting technical reports and studies, that describe proposed new buildings with a high level of detail. This practice has enabled the City to develop a nuanced and thorough understanding of the designs, potential impacts, and

proposals for implementation of the applications. In many cases, this additional information facilitates better decision-making. For example when it comes to matters such as noise, vibration, or light view and privacy, a concurrent review allows the City to analyze and determine whether or not the location, massing, and permitted uses of a proposed building or buildings (which are decided through the zoning process) are appropriate given the locations of windows, building materials used, location, type, and enclosure of mechanical systems, or other screens or safety measures (matters which are typically decided through site plan).

Stated another way, there is also a greater risk to the City that by prohibiting the submission of site plan applications concurrent with applications for re-zoning, the City may not have sufficient information to identify and assess concerns at the time of re-zoning that would be more apparent if site plan and re-zoning applications were considered together, including, among other things, matters related to the public realm, pedestrian and vehicle access, loading, and truck movements. Because the City reviews more detailed elements of a proposed new development at the time of site plan, including the need for road widenings, the locations of proposed building to adjacent buildings, streets, and the public realm, and the design elements and materials of landscaping, facilities for persons with disabilities, curbs, ramps, and bicycle parking, among other things, the City has more information to avoid (or resolve) potential concerns when it receives applications for site plan control earlier.

The Companies are also concerned that the City will not be able to fully evaluate the sustainability of proposed re-zoning applications and compliance with the Toronto Green Standard, without access to the materials that would normally be submitted through site plan. Much of the detailed work that supports sustainable design is only completed through the Site Plan Control process.

These and other considerations form the basis for the Companies' view that OPA 688 would hinder the City's ability to make thorough, well-informed decisions on re-zoning applications, and would create additional delays and potential complications in the development approval process, which would have the overall effect of delaying the construction of new development proposals, including much-needed new housing.

We respectfully submit that the City's Official Plan, as currently drafted, provides development proponents and the City with appropriate flexibility to decide whether re-zoning and site plan applications should be considered together or sequentially.

The Companies understand the City's financial constraints and are eager to work with the City to achieve potential solutions. Therefore, we respectfully request that Planning and Housing Committee defer consideration of OPA 688 and the accompanying amendments to the City's Municipal Code. We welcome the opportunity to meet with the City's Planning Staff to discuss the Companies' concerns in greater detail.

Please do not hesitate to contact the undersigned should you have any questions or require further information.

Yours truly,



Matthew Schuman
Counsel | Conseil

c. Client