

September 27, 2023

Our File No.: 000004

**Delivered Via Email – phc@toronto.ca**

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

**Attention: Nancy Martins, Administrator**

Dear Sirs/Mesdames:

**Re: Item No. PH6.2 – Bill 109 Implementation, Phase 3 – Recommended Official Plan and Municipal Code Amendments Respecting Site Plan Control Proposed Official Plan Amendment No. 688**

We are solicitors for Emblem Developments Inc. We are writing to provide our client's comments regarding the above-noted matter, including but not limited to proposed Official Plan Amendment No. 688 (the "**Draft OPA**"). Given the likely concerns to be expressed by many people regarding this matter, our client suggests that this matter be deferred to allow for consultation regarding the Draft OPA and the proposed amendments to the Municipal Code.

While our client appreciates City concerns related to certain aspects of Bill 109, our client disagrees with the City's proposed new process, which will lengthen the planning process in a manner contrary to the legislative intent of Bill 109. In particular, the Draft OPA and the proposed amendments to the Municipal Code would eliminate concurrent review and processing of zoning by-law amendment and site plan control applications, thereby leading to unnecessary and duplicative review and planning processes. These proposed changes are especially problematic when significant aspects of the City's planning process utilize complete site plan applications as a milestone for transition.

In particular:

- The Draft OPA would establish "in-effect zoning compliance" as a complete application for site plan control applications. Not only does this proposed approach eliminate the statutory right to file a site plan control application, but also it is contrary to subsection 114(4.3) of the *City of Toronto Act, 2006*, which only allows the City to require information and material as opposed to zoning compliance.

- The proposed amendments to Section 415-19.2 of Chapter 415 of the Municipal Code that would prohibit concurrent mandatory pre-application consultation are contrary to subsection 114(4) of the *City of Toronto Act, 2006*, which limits the City's jurisdiction only to requiring a pre-application consultation meeting as opposed to setting terms and conditions on such pre-application consultation.
- As noted above, significant aspects of the City's planning process utilize complete site plan applications as a milestone for transition. Examples include but are not limited to inclusionary zoning, calculation of developments charges and Toronto Green Standards, meaning that the City's proposed approach will introduce greater financial uncertainty for proposed developments, and therefore increase the cost of housing overall, by eliminating the ability of an applicant to create certainty regarding significant conditions of approval and matters of implementation.
- The Draft OPA and proposed amendments to the Municipal Code are not accompanied by corresponding revisions to the zoning by-law amendment review process, in that the City will still require submission of zoning materials that duplicate the level of detail provided with site plan control applications. Put another way, if the City insists on eliminating concurrent rezoning and site plan applications, then the City should propose corresponding changes to its planning process to expedite review of rezoning applications.
- There is good reason to enable concurrent rezoning and site plan applications. The current practice enables the implementing zoning by-law amendment to be finalized concurrently with the site plan, or at least on the basis of a site plan application with potential resubmissions. This approach ensures that the rezoning and site plan applications are consistent and minimizes the potential for subsequent variance applications.

Given the significant issues identified with the Draft OPA and the proposed amendments to the Municipal Code, our client respectfully suggests that deferral is the best option, failing which our client would have no choice but to appeal the Draft OPA. Our client encourages additional consultation in an effort to find improvements to the planning process that address the City's concerns while maintaining an efficient planning process.

Please also accept this letter as our request to be included on the notice list for any decision of City Council regarding this matter.

**Goodmans<sup>LLP</sup>**

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to be 'Rodney Gill', written in a cursive style.

Rodney Gill  
RJG/

cc. Client