

November 28, 2023

Via Email

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

RE: PH8.7 – Implementing Bill – 2023 Annual Update

Dear Chair Perks, Vice Chair Bradford, and Committee Members,

Tenblock is a housing developer committed to sustainability, active transportation, design excellence, and complete communities. With over 7,000 apartments in development, we are an experienced planning applicant in Toronto.

We support City Staff's ongoing efforts to respond to Bill 109 and improve the development review process. As such, we have participated in all industry consultations relating to Bill 109 Implementation, including OPA 688 for which we submitted a letter of support to Planning and Housing Committee in September 2023. However we would like to address several aspects of the current item.

Recommendation 2 regarding a "reasonable timeline" within which residential development applicants who receive planning approval must commence construction:

- We strenuously oppose the idea of a “use it or lose it” expiry for development approvals.
- It is not all clear what policy problem this concept intends to address. Imposing an expiry will not make a non-viable project more viable or increase its likelihood of being built. In fact an expiry will introduce additional risk and uncertainty, resulting in marginally viable projects being shelved rather than built, for fear of additional costs and delays that marginally viable projects cannot tolerate, if the expiry is eventually reached.
- If market conditions support building, then builders will build; and if market conditions do not support building, they will not. In our current economic environment, fewer projects are being launched into construction, at a time when we need housing supply more than ever. When market conditions improve, does it not benefit society (and City revenues) to have projects ready to execute, rather than having to wind through another long cycle of approvals instead of being built?
- Our policy environment must be supportive of housing construction, not introduce additional risks, administrative burdens, delays, and costs.

Recommendation 3 to authorize the Chief Planner and Executive Director, City Planning, to report directly to City Council when recommending refusal of an application for an Official Plan Amendment and/or Zoning By-law Amendment:

- While we appreciate the concept of allowing refusal reports to go directly to Council for certain Council calendar cycles, this has the intolerable effect of forcing City Staff either to recommend approval but trigger a partial fee refund, or recommend refusal and allow the City to retain 100% of the application fee.

- This pits the City's financial incentives against impartial planning reviews, an unacceptable conflict of public objectives.
- A better solution would be to modify the Council schedule or take other administrative steps to allow staff reports to advance to Council within the relevant timelines, regardless of whether they are for approvals or refusals.

Other relevant matters:

- We continue to experience unacceptable delays in submission and resubmission intake of planning applications. Our files regularly lose a week or more of processing time between submitting the online upload of materials and the Community Planner receiving the files. This recurring delay also jeopardizes the City's review timelines and ability to ensure fee retention.
- We have been consistently hearing from City Staff that 'older' applications filed prior to July 1, 2023 are now 'low-priority' because Staff must focus on files that fall within the Bill 109 review timeline. This results in lagging approvals taking even longer, which is an unacceptable outcome for applicants needing to advance their projects forward.

We appreciate City Staff's continued commitment to respond to Bill 109 and improving the planning application process in Toronto.

Sincerely,

Tenblock



Stephen Job, AICP
Vice President

