



21 March 2022

Dear Councillors Malik, Fletcher and Moise,

Re: Affordable housing and Agenda Item TM1.2, TEYCC Sub-Committee on Metrolinx's Ontario Line Construction meeting, March 22nd, 2023

I am writing as the Co-Chair of the BOLD Coalition. I also support and serve the Regent Park Neighbourhood Association and the Coalition of Equitable and Inclusive Development that celebrated the Developers' **Withdrawal of Appeal Against City of Toronto Affordable Housing Bylaw**.

The BOLD Coalition is a city-wide association of Resident Associations and Civic Groups concerned about the impact the Ontario Line and Metrolinx will have on the communities and neighbourhoods adjacent to the new subway line. We are grateful that our City Council has decided to create a public forum to explore the challenges presented by Metrolinx's Ontario Line construction.

Through the sub-committee, BOLD would like to raise the issue of affordable housing along the Ontario Line. We note that the staff update for agenda item TM1.2, provided by the Executive Director, Transit Expansion Division, for the March 22nd sub-committee meeting, does not reference affordable housing – a matter of urgent concern to the City. BOLD requests that the next staff update address affordable housing, and that it be provided within two months -- not the "semi-annual" reporting recommended by City staff for agenda item TM1.2.

Metrolinx has an obligation under its federal funding agreement to include affordable housing in its project scope as it builds the Ontario Line. To date, the BOLD Coalition has yet to see any progress on affordable housing initiatives from Metrolinx. The provincial agency has yet to provide a strategy, a funding model, or an update on where and how the federal requirements are going to be met.

A recent Ontario Land Tribunal ("OLT") order (OLT-21-001844) made on February 10th 2023 regarding OPA 558 Affordable Housing policies - City wide - defined affordable housing as the City's bylaw of no more than 30% of a households' income. The OLT order confirms an income-based definition for affordable housing.

Specifically the ruling, attached in Appendix A states;

i “OPA 558, as attached hereto in Schedule "1", came into force and effect on December 14, 2021 by operation of subsection 17(27) of the *Planning Act* save and except the outstanding appeals in Schedule "2" of this Order which are scoped geographically to the listed addresses. “

The BOLD Community Coalition (along with the Coalition of Equitable and Inclusive Development) supports the definition of affordable housing now set by the OLT. We expect Metrolinx to comply with the OLT decision to support the City’s definition for affordable housing as it develops plans for transit-oriented communities around each Ontario Line station.

As Metrolinx takes over local planning responsibility around transit stations and as the Government of Ontario re-writes zoning regulations along the subway corridor, BOLD wants to know how affordable housing targets, tied to Metrolinx’s federal funding, are going to be achieved and what definition of affordability will be used to realize the targets. The OLT ruling sends a strong message to Metrolinx to not only deliver better transit to the city, but to do so in a way that also delivers affordable housing for the people of Toronto.

City Hall now has a metric to assess Metrolinx’s progress in meeting its requirements for affordable housing. BOLD requests staff input on how to make sure the requirements are met.

Thank you for the opportunity to share BOLD’s concerns and ideas about affordable housing with the sub-committee. BOLD members will offer whatever support is needed to help get any recommendations that come from the sub-committee process also adopted by City Council.

Sincerely,

Walied Khogali Ali,
Co-Chair, BOLD Coalition

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 10, 2023

CASE NO.: OLT-21-001844

PROCEEDING COMMENCED UNDER subsection 17(24) of the Planning Act,
R.S.O. 1990, C. P. 13, as amended

Appellant: Double Z Investments Limited
Appellant: Freed Grand Park Development Inc.
Appellant: Policy Investment Ltd.
Appellant: Greenwin Holdings Inc., et al
Subject: Proposed Official Plan Amendment No. 558
Municipality: City of Toronto
OLT Lead Case No.: OLT-21-001844
OLT Case No.: OLT-21-001844
Case Name: Double Z Investments Limited v. Toronto (City)

M.A. SILLS) Friday, the 10th
VICE-CHAIR)
) day of February, 2023

THIS MATTER having come before the Tribunal for a Case Management Conference commencing September 13, 2022, and subsequent Case Management Conferences commencing November 4, 2022 and January 20, 2023.

THE TRIBUNAL ORDERS that:

- i. OPA 558, as attached hereto in Schedule "1", came into force and effect on December 14, 2021 by operation of subsection 17(27) of the *Planning Act* save and except the outstanding appeals in Schedule "2" of this Order which are scoped geographically to the listed addresses.

- ii. This Order and the approval of portions of the OPA 558 as attached hereto in Schedule "1" are without prejudice to the disposition of any other appeal of OPA 558 in Schedule "2", such that if those appeals proceed to a subsequent hearing or motion, either on their own or as may be consolidated with other proceedings, the City will not take the position that the Tribunal ought not to approve modifications on a site specific basis to OPA 558 on the basis that such amendments deviate from or are inconsistent with OPA 558 as adopted by the City, attached hereto in Schedule "1". However, this does not affect the City's right to assert that OPA 558 as adopted should be applied to specific sites without modifications on the basis that doing so is consistent with the *Planning Act* and provincial policies, conforms to provincial and official plans and/or constitutes good planning.
- iii. The hearing that had been set for July 24, 2023 in this matter for 10 days is adjourned *sine die*.
- iv. The City Solicitor shall provide a written status report to the Tribunal and Parties, with respect to the status of the remaining appeals on or before June 30, 2023.

THE TRIBUNAL FURTHER ORDERS THAT that it may be spoken to in the event any matter or matters should arise in connection with the implementation of this Order.

"Euken Lui"

Euken Lui
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Schedule "1"

AMENDMENT 558 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

Section 3.2.1 Housing, is amended by:

1. Changing the definition of Affordable Rental Housing and Affordable Rents to:

"Affordable rental housing and affordable rents means housing where the total monthly shelter cost (gross monthly rent, inclusive of utilities for heat, hydro, hot water and water) is at or below the lesser of one times the average City of Toronto rent, by dwelling unit type, as reported annually by the Canada Mortgage and Housing Corporation, or 30 percent of the before-tax monthly income of renter households in the City of Toronto as follows:

- (1) studio units: one-person households at or below the 50th percentile income;
- (2) one-bedroom units: one-person households at or below the 60th percentile income;
- (3) two-bedroom units: two-person households at or below the 60th percentile income; and
- (4) three-bedroom units: three-person households at or below the 60th percentile income."

2. Changing the definition of Mid-range rents to:

"Mid-range rents means Mid-range rents (affordable) or Mid-range rents (moderate)."

3. Adding the following as "Housing Definitions":

"Mid-range rents (affordable) are the total monthly shelter costs that exceed Affordable rents but are at or below 100 percent of the average City of Toronto rent, by unit type, as reported annually by Canada Mortgage and Housing Corporation.

Mid-range rents (moderate) are the total monthly shelter costs that exceed Affordable rents and/or Mid-range rents (affordable), but are at or below 150 percent of the average City of Toronto rent, by unit type, as reported annually by Canada Mortgage and Housing Corporation."

4. Changing the definition of Affordable ownership housing to:

"Affordable ownership housing means housing where the purchase price (which for new units is inclusive of Harmonized Sales Tax payable by the purchaser) is at or below an amount where the total monthly shelter cost (mortgage principal and interest – based on a 25-year amortization, 10 per cent down payment and the mortgage rate for a conventional 5-year mortgage as reported by the Bank of Canada in January of the applicable year, and a mortgage insurance premium – plus property taxes calculated on a monthly basis based on the purchase price, and standard condominium fees) is affordable, based on paying no more than 30 percent of before-tax monthly income, to all households in the City of Toronto as follows:

- (1) studio units: households at or below the 30th percentile income;
 - (2) one-bedroom units: households at or below the 40th percentile income;
 - (3) two-bedroom units: households at or below the 50th percentile income;
and
 - (4) three-bedroom units: households at or below the 60th percentile income."
5. Adding the following new sidebar adjacent to "Housing Definitions":
- "Household incomes for the city of Toronto area are estimated using household incomes reported through the results of the most recent Census of Population. These statistics are adjusted based on annual changes to the Consumer Price Index (CPI) in January of each year as reported by Statistics Canada for the Toronto Census Metropolitan Area. The CPI used is for the complete "basket of goods and services" also known as the all-items index, and without seasonal adjustments as recommended by Statistics Canada for consistent time series indexation."
6. Adding the following new sidebar adjacent to "Housing Definitions":
- "Condominium fees can impact the overall affordability of ownership housing. While condominium fees vary from project to project based on the building design and what specific costs are included, standard condominium fees will be used to calculate affordable ownership housing prices on an annual basis. The City will set standard condominium fees in January of each year to be used in the calculation of affordable ownership housing prices. Fees will be calculated using typical average unit sizes based on the City's standards for new affordable housing unit sizes."
7. Adding the following new sidebar adjacent to "Housing Definitions":
- "The definitions of affordable rental housing and affordable rents, affordable ownership housing and mid-range rents do not apply to:

- a) development projects that are the subject of a complete application, which satisfies the requirements set out in the City of Toronto Official Plan Policy 5.5.2, filed prior to November 10, 2021;
- b) development projects with an affordable housing component that have been approved in principle by either Council or the Tribunal prior to November 10, 2021.

To facilitate the transition of programs offering municipal assistance to encourage the production of affordable housing, the new definition will apply to those programs no later than March 31, 2024.

In instances where the definitions do not apply, the previously in force definitions will continue to apply."

Schedule "2"

I. Appeal by Minto (Mimico) Inc.

1 Audley Street and 8 Newcastle Street, and 2 and 10 Audley Street and 29, 31, 59 and 71 Portland Street:

As it relates to the Properties municipally known as 1 Audley Street and 8 Newcastle Street, and 2 and 10 Audley Street and 29, 31, 59 and 71 Portland Street:

1. Should the Proposed Definitions apply to the property municipally known as 1 Audley Street and 8 Newcastle Street, and 2 and 10 Audley Street and 29, 31, 59 and 71 Portland Street?
2. Are the proposed transition provisions fair? Are the proposed transition provisions incorporated into the Official Plan in a manner that will achieve their intended function?
3. Should OPA 558 be revised to provide further clarity on the transition provisions relating to developments that are the subject of existing applications and approvals, including as they may be modified?

II. Appeal by Double Z Investments Limited

1276 Islington Road, 470 Sentinel Road, and 1, 35 and 40 Fountainhead Road

As it relates to the Property municipally known as 1276 Islington Road, 470 Sentinel Road, and 1, 35 and 40 Fountainhead Road:

1. Does OPA 558 have regard to matters of provincial interest as set out in Section 2 of the Planning Act.
2. Is OPA 558 consistent with the Provincial Policy Statement (2020) including policies in relation to affordable housing and policies 1.1.1, 1.4.1 and 1.4.3.
3. Does OPA 558 conform with the Growth Plan for the Greater Golden Horseshoe (2020) including policies in relation to affordable housing and policies 2.2.1 and 2.2.6.
4. Does OPA 558 conflict with general policy directions in the City of Toronto Official Plan.
5. Are the proposed definitions set out in OPA 558 appropriate, including the definitions of "affordable rental housing and affordable rents", "mid-range rents

(affordable)", "mid-range rents (moderate)", "affordable ownership housing" (the "**Proposed Definitions**")?

6. Are the proposed sidebar texts in OPA 558 appropriate?
7. Are the Proposed Definitions flawed without further modifications to existing policies in 3.2.1 of the Official Plan, including 3.2.1.9?
8. Will the proposed definitions in OPA 558 negatively impact the development of affordable housing in the City of Toronto?
9. Will the proposed definitions in OPA 558 negatively impact the development of new market-based housing in the City of Toronto?
10. Will OPA 558 undermine the optimization of land use and infrastructure?
11. Should the Proposed Definitions apply to the properties municipally known 1276 Islington Road, 470 Sentinel Road, and 1, 35 and 40 Fountainhead Road.
12. Are the proposed transition provisions fair? Are the proposed transition provisions incorporated into the Official Plan in a manner that will achieve their intended function?
13. Should OPA 558 be revised to provide further clarity on the transition provisions relating to developments that are the subject of existing applications and approvals, including as they may be modified?
14. Does OPA 558 constitute good land use planning?

III. **Appeal by 221 Sterling Road Holdings Inc.**

221-227 Sterling Road

As it relates to the Property municipally known as 221-227 Sterling Road:

1. Does OPA 558 have regard to matters of provincial interest as set out in Section 2 of the Planning Act.
2. Is OPA 558 consistent with the Provincial Policy Statement (2020) including policies in relation to affordable housing and policies 1.1.1, 1.4.1 and 1.4.3.
3. Does OPA 558 conform with the Growth Plan for the Greater Golden Horseshoe (2020) including policies in relation to affordable housing and

policies 2.2.1 and 2.2.6.

4. Does OPA 558 conflict with general policy directions in the City of Toronto Official Plan.
5. Are the proposed definitions set out in OPA 558 appropriate, including the definitions of “affordable rental housing and affordable rents”, “mid-range rents (affordable)”, “mid-range rents (moderate)”, “affordable ownership housing” (the “**Proposed Definitions**”)?
6. Are the proposed sidebar texts in OPA 558 appropriate?
7. Are the Proposed Definitions flawed without further modifications to existing policies in 3.2.1 of the Official Plan, including 3.2.1.9?
8. Will the proposed definitions in OPA 558 negatively impact the development of affordable housing in the City of Toronto?
9. Will the proposed definitions in OPA 558 negatively impact the development of new market-based housing in the City of Toronto?
10. Will OPA 558 undermine the optimization of land use and infrastructure?
11. Should the Proposed Definitions apply to the property municipally known as 221-227 Sterling Road?
12. Are the proposed transition provisions fair? Are the proposed transition provisions incorporated into the Official Plan in a manner that will achieve their intended function?
13. Should OPA 558 be revised to provide further clarity on the transition provisions relating to developments that are the subject of existing applications and approvals, including as they may be modified?
14. Does OPA 558 constitute good land use planning?

IV. Policy Investment Ltd.

44 Romfield Drive

As it relates to the Property municipally known as 44 Romfield Drive:

1. Does OPA 558 have regard to matters of provincial interest as set out in Section 2 of the Planning Act.

2. Is OPA 558 consistent with the Provincial Policy Statement (2020) including policies in relation to affordable housing and policies 1.1.1, 1.4.1 and 1.4.3.
3. Does OPA 558 conform with the Growth Plan for the Greater Golden Horseshoe (2020) including policies in relation to affordable housing and policies 2.2.1 and 2.2.6.
4. Does OPA 558 conflict with general policy directions in the City of Toronto Official Plan.
5. Are the proposed definitions set out in OPA 558 appropriate, including the definitions of “affordable rental housing and affordable rents”, “mid-range rents (affordable)”, “mid-range rents (moderate)”, “affordable ownership housing” (the “**Proposed Definitions**”)?
6. Are the proposed sidebar texts in OPA 558 appropriate?
7. Are the Proposed Definitions flawed without further modifications to existing policies in 3.2.1 of the Official Plan, including 3.2.1.9?
8. Will the proposed definitions in OPA 558 negatively impact the development of affordable housing in the City of Toronto?
9. Will the proposed definitions in OPA 558 negatively impact the development of new market-based housing in the City of Toronto?
10. Will OPA 558 undermine the optimization of land use and infrastructure?
11. Should the Proposed Definitions apply to the property municipally known as 44 Romfield Drive?
12. Are the proposed transition provisions fair? Are the proposed transition provisions incorporated into the Official Plan in a manner that will achieve their intended function?
13. Should OPA 558 be revised to provide further clarity on the transition provisions relating to developments that are the subject of existing applications and approvals, including as they may be modified?
14. Does OPA 558 constitute good land use planning?

V. Appeal by Ont GTA Properties Inc.

3940 Keele Street

As it relates to the Property municipally known as 3940 Keele Street:

1. Does OPA 558 have regard to matters of provincial interest as set out in Section 2 of the Planning Act.
2. Is OPA 558 consistent with the Provincial Policy Statement (2020) including policies in relation to affordable housing and policies 1.1.1, 1.4.1 and 1.4.3.
3. Does OPA 558 conform with the Growth Plan for the Greater Golden Horseshoe (2020) including policies in relation to affordable housing and policies 2.2.1 and 2.2.6.
4. Does OPA 558 conflict with general policy directions in the City of Toronto Official Plan.
5. Are the proposed definitions set out in OPA 558 appropriate, including the definitions of “affordable rental housing and affordable rents”, “mid-range rents (affordable)”, “mid-range rents (moderate)”, “affordable ownership housing” (the “**Proposed Definitions**”)?
6. Are the proposed sidebar texts in OPA 558 appropriate?
7. Are the Proposed Definitions flawed without further modifications to existing policies in 3.2.1 of the Official Plan, including 3.2.1.9?
8. Will the proposed definitions in OPA 558 negatively impact the development of affordable housing in the City of Toronto?
9. Will the proposed definitions in OPA 558 negatively impact the development of new market-based housing in the City of Toronto?
10. Will OPA 558 undermine the optimization of land use and infrastructure?
11. Should the Proposed Definitions apply to the property municipally known as 3940 Keele Street?
12. Are the proposed transition provisions fair? Are the proposed transition provisions incorporated into the Official Plan in a manner that will achieve their intended function?
13. Should OPA 558 be revised to provide further clarity on the transition provisions relating to developments that are the subject of existing applications and approvals, including as they may be modified?

14. Does OPA 558 constitute good land use planning?

849 Eglinton Avenue East

As it relates to the Property municipally known as 849 Eglinton Avenue East:

1. Does OPA 558 have regard to matters of provincial interest as set out in Section 2 of the Planning Act.
2. Is OPA 558 consistent with the Provincial Policy Statement (2020) including policies in relation to affordable housing and policies 1.1.1, 1.4.1 and 1.4.3.
3. Does OPA 558 conform with the Growth Plan for the Greater Golden Horseshoe (2020) including policies in relation to affordable housing and policies 2.2.1 and 2.2.6.
4. Does OPA 558 conflict with general policy directions in the City of Toronto Official Plan.
5. Are the proposed definitions set out in OPA 558 appropriate, including the definitions of “affordable rental housing and affordable rents”, “mid-range rents (affordable)”, “mid-range rents (moderate)”, “affordable ownership housing” (the “**Proposed Definitions**”)?
6. Are the proposed sidebar texts in OPA 558 appropriate?
7. Are the Proposed Definitions flawed without further modifications to existing policies in 3.2.1 of the Official Plan, including 3.2.1.9?
8. Will the proposed definitions in OPA 558 negatively impact the development of affordable housing in the City of Toronto?
9. Will the proposed definitions in OPA 558 negatively impact the development of new market-based housing in the City of Toronto?
10. Will OPA 558 undermine the optimization of land use and infrastructure?
11. Should the Proposed Definitions apply to the property municipally known as 849 Eglinton Avenue East?
12. Are the proposed transition provisions fair? Are the proposed transition provisions incorporated into the Official Plan in a manner that will achieve their intended

function?

13. Should OPA 558 be revised to provide further clarity on the transition provisions relating to developments that are the subject of existing applications and approvals, including as they may be modified?
14. Does OPA 558 constitute good land use planning?

VI. Appeal by 1386073 Ontario Inc.

105 Six Point Road

As it applies to the lands municipally known as 105 Six Point Road, Etobicoke:

1. Does OPA 558 have regard to matters of provincial interest as set out in Section 2 of the Planning Act?
2. Does OPA 558 have regard to the decision of Council pursuant to section 2.1 of the Planning Act?
3. Is OPA 558 consistent with the Provincial Policy Statement (2020) including policies in relation to affordable housing and policies 1.1.1, 1.4.1 and 1.4.3?
4. Does OPA 558 conform with the Growth Plan for the Greater Golden Horseshoe (2020) including policies in relation to affordable housing and policies 2.2.1 and 2.2.6?
5. Does OPA 558 have regard to and not conflict with the policies in the City of Toronto Official Plan and / or the policies of SASP 786?
6. Are the proposed definitions set out in OPA 558 appropriate, including the definitions of “affordable rental housing and affordable rents”, “mid-range rents (affordable)”, “mid-range rents (moderate)”, “affordable ownership housing” (the **“Proposed Definitions”**)?
7. Does the Clergy Principle apply so as to exempt 105 Six Point Road, Etobicoke from the proposed definitions set out in OPA 558?
8. Should OPA 558 be modified to provide further clarity on the transition provisions relating to existing applications and approvals, including but not limited to, *employment areas* conversion requests?
9. Does OPA 558 constitute good land use planning?

