

February 5, 2024

**BY EMAIL - [councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca)**

Toronto City Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Mayor Chow and Members of City Council

**Re: MOD Developments (Redpath) Limited Partnership  
241 Redpath Avenue, Toronto  
City of Toronto Agenda Item PH9.1 - Ready, Set, Midtown: Zoning Review - City  
Initiated Zoning By-law Amendments for Select Lands Designated Apartment  
Neighbourhoods**

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Aird & Berlis LLP acts on behalf of MOD Developments (Redpath) Limited Partnership with respect to the property municipally known as 241 Redpath Avenue in the City of Toronto (the "Property").

The Property is subject to By-law 82-2023(OLT) which is recognized as a Prevailing By-law in Clause 28 of the draft by-law put forward by City staff for approval in the above referenced report to Council (the "Draft By-law"). Notwithstanding the recognition of the prevailing site specific By-law 82-2023(OLT) our client continues to have concerns with respect to the Draft By-law. While we have been engaged with City staff and obtained clarification in respect of some of those items, and thank staff for that dialogue, unfortunately certain matters remain outstanding.

### **Minimum Unit Types & Requirement for Minimum Unit Size**

The Draft By-law provides direction with respect to the minimum percentage of certain residential unit types (see below). Our client's concern is with provision (BB) (iii) set out in bold below:

Article 900.8.10 – Exception RAC 300:

(BB) A building containing 80 dwelling units or greater must comply with the following:

- (i) a minimum of 15 percent of the total number of dwelling units in a building must contain two bedrooms;
- (ii) a minimum of 10 percent of the total number of dwelling units in a building must contain three or more bedrooms; and
- (iii) **in addition to the requirements of (i) and (ii) above, an additional 15 percent of the total number of dwelling units in a building must include a minimum interior floor area of 87 square metres;**

- (iv) for the purposes of applying i), ii), and iii), dwelling units that are required to be replaced, including pursuant to Section [3.2.1.6](#) of the City of Toronto Official Plan and/or secured through s.111 of the City of Toronto Act, are excluded from the above calculation;

We understand from our discussion with City staff that the intent is to implement the direction provided in the approved Secondary Plan for the area. As Council will be aware, that Secondary Plan was modified by the Minister of Municipal Affairs and Housing prior to being approved. In particular, Section 7 – Housing – was modified as follows:

## 7. HOUSING

- 7.1. To achieve a balanced mix of unit types and sizes, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:
  - a. a minimum of 15 per cent of the total number of units as 2-bedroom units ~~of 87 m<sup>2</sup> of gross floor area~~;
  - b. a minimum of 10 per cent of the total number of units as 3-bedroom units ~~of 100 m<sup>2</sup> of gross floor area or more~~;
  - c. an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.

It is notable that the provisions related to minimum unit size were removed from the Secondary Plan.

### Rationale for Proposed Modifications

Our client has no issue with the requirement to provide a minimum percentage of two bedroom and three bedroom units; this provision is clearly implementing the direction of the Secondary Plan and has been secured in site specific by-laws in the Midtown area.

Our client's first concern is with the introduction of a minimum unit size in this provision; it has replaced the language in the approved Secondary Plan which provided that "an additional 15 percent of the total number of units....that can be converted to 2 bedroom and 3 bedroom units through the use of adaptable design measures". The Draft By-law has removed this provision, which speaks to allowing for a flexible approach to ensure more family sized units when demanded, to a rigid prescription of 87m<sup>2</sup> as a minimum. Such a minimum is not reflective of current market offerings and has not been calibrated to considerations of housing supply, market demand or affordability.

Additionally, the language in respect of clause (iii) is unclear. The clause provides that "in addition to the requirements of (i) and (ii) above an additional 15 of the total number of dwelling units in a building..." This clause could be read as a requirement for 15% of units **in addition to the 10% and 15% in clauses (i) and (ii)**. The intent, as we understand it, is to have 15% of the required two and three bedroom units meet the threshold of 87m<sup>2</sup>.

If the latter is the intent, the following revision would make that clear:

(iii) in addition to the requirements of (i) and (ii) above, ~~an additional~~ 15 percent of the total number of dwelling units in a building must include a minimum interior floor area of 87 square metres;

While this provides clarity it does not address the fundamental concern with the provision.

By-law 82-2023(OLT) for 241 Redpath does not contain any provisions related to unit size. In that circumstance there is no “conflict” with the provisions of this draft by-law but we understand the intent is that this new by-law requirement would not apply to the site and the grandparenting provisions in clauses 32, 33 and 35 would ensure that transition.

However, in the event of a variance for additional floors/units it is the case that the new provisions of the draft by-law would apply. This would have the effect of requiring that 15% of the NEW units proposed meet the 87m2 minimum. It is notable that there have been variance applications for other recently approved sites within the Midtown area that will have the effect of increasing the overall housing supply in the area. The application of this new unit minimum will mean a different set of standards for the variance applications and could well serve as a disincentive as a result.

### **Proposed Modification to Implement Approved Secondary Plan**

As a result, our client proposes amending the provisions of the Draft By-law so as to remove the minimum GFA requirement and instead to implement the approved Secondary Plan in the following manner:

Current provision:

in addition to the requirements of (i) and (ii) above, an additional 15 percent of the total number of dwelling units in a building must include a minimum interior floor area of 87 square metres;

Proposed amendment:

an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures;

We appreciate the opportunity to provide these comments on the Draft By-law prior to its consideration by City Council.

Yours truly,

AIRD & BERLIS LLP



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cc: Client

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