

May 16, 2024

Mayor Chow and Members of Council  
100 Queen Street West, 10th Floor West  
Toronto, Ontario  
M5H 2N2

Sent via email to: councilmeeting@toronto.ca

**Attention: Mayor Chow and Members of Council**

Dear Mayor Chow and Member of Council,

**Re: PH12.2 – Letter of Objection regarding Recommended Official Plan Amendment Respecting Schedule 3 Complete Application Requirements, Chapter 3 Cultural Heritage Evaluation Report and Municipal Code Amendments Respecting Delegated Authority for Minor Zoning By-laws.**

We are the solicitors for Calmco Inc., Menkes Developments Ltd., Capital Developments, and Metropia Inc., the owners of various properties throughout the City of Toronto. As such, our clients have a direct interest in the proposed amendments to the Official Plan as contained within Official Plan Amendment 720 (“OPA 720”).

OPA 720 proposes various technical revisions to current development review process standards. While our clients support a majority of such proposed revisions, they are concerned with the proposed amendments to Section 3.1.6 and Schedule 3 of the City of Toronto Official Plan as it relates to complete application requirements. If approved, a Cultural Heritage Evaluation Report (“CHER”) would become one of the documents to be submitted in support of all Official Plan Amendment, Zoning By-law Amendment and/or Plan of Subdivision Applications with respect to properties that meet one (1) of the following criteria:

- A) It is a property that has been identified by City Council through a City-led study as having potential cultural heritage value or interest, but which is not included on the Heritage Register; or
- B) It is a property that has been previously identified by City Council as having cultural heritage value or interest and requires further evaluation, but which is not currently included on the Heritage Register.

Pursuant to the City of Toronto’s Development Guide, a CHER is only required to be submitted in support of an application which includes a property that has either been

‘designated’ under Part IV, Section 29 of the Ontario Heritage Act (prior to 2006), or is currently ‘listed’ on the City’s Heritage Register under Section 27 of the *Ontario Heritage Act*. For properties which do not meet one of these two criteria, it is the City’s current practice to “strongly recommend” a CHER to be included in support of applications. However, where not specifically required, an application cannot be deemed incomplete due to its failure to include a CHER with its submission materials. These current practices ensure that a CHER is only required for applications relating to the City’s most relevant and/or significant heritage properties. It is overly onerous to require a CHER for properties that are neither ‘listed’ nor ‘designated’.

Furthermore, the proposed revisions to Section 3.16 and Schedule 3 of the Official Plan, as previously outlined, are contrary to City’s goal of delivering 285,000 units to Toronto’s housing market by 2031. To achieve this goal, the City ought to be doing all they can to expedite the planning approval process through the removal of any and all unnecessary hurdles to final approval. The added CHER requirement would have the opposite effect through the creation of an additional hurdle within the planning process. This added hurdle will delay the delivery of housing to the market, increase application costs, and ultimately negatively impact the affordability of housing in Toronto – all of which will further contribute to Toronto’s ongoing housing crisis.

Finally, the proposed CHER requirement conflicts with the Province’s recent amendments to the *Ontario Heritage Act* through the enactment of Bill 23, the *More Homes Built Faster Act, 2022*. Such amendments work to limit a Municipalities’ ability to delay and/or prevent development through the ‘listing’ and/or ‘designating’ of a property. If approved, the CHER requirement would counteract any progress made through Bill 23 through the introduction of an up-front heritage conservation process for properties that would otherwise not qualify. The contemplated adoption of this overly onerous requirement completely ignores the City and Province’s desire to reduce the time and cost associated with the delivery of housing to Toronto’s housing market.

Our office respectfully submits that City Council should remove the proposed revisions to Section 3.16 and Schedule 3 of the Official Plan from OPA 720. Moving forward, we would like to receive notice for all proceedings with respect to OPA 720 at the following electronic and physical addresses:

- 1) Adam@shermanbrown.com;
- 2) Jessica.s@shermanbrown.com;
- 3) Sean@shermanbrown.com; and
- 4) Brown Dryer Barristers and Solicitors, 40 Holly Street, Suite 404, Toronto, Ontario, M4S 3C3, Attention: Adam Brown.

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—BARRISTERS & SOLICITORS—

We thank you for your consideration of our position. Should you have any questions, or require any additional information, please do not hesitate to contact the writer, or Sean Brown, a lawyer in our office.

Yours very truly,



Adam J. Brown

Cc: Catherine Bertucci, President, Calmco Inc  
Geoff Matthews, Executive Vice President, Development, Capital Developments  
Jude Tersigni, Vice President, Planning & Development, Menkes Developments Ltd.  
Jake Murray, Vice President, Planning & Acquisitions, Metropia Inc.  
Zac Watson, Director, Development, Metropia Inc.  
Jessica Smuskowitz, Partner, Brown Dryer Barristers and Solicitors  
Sean Brown, Lawyer, Brown Dryer Barristers and Solicitors