

3 February 2022

Sent by E-mail

Tammy Nguyen
Municipal Services Office – Central Ontario
16th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Ms. Nguyen:

**Re: Request to Modify City of Toronto OPA 524 Prior to Ministerial Approval
ERO File No. 019-5228
100 Wellesley Street East, City of Toronto**

We represent CAPREIT Apartments Inc. (“**CAPREIT**”), the owner of the property municipally known as 100 Wellesley Street East (“**Subject Site**”). The Subject Site is located south of Gloucester St., west of Jarvis St., east of Church St., and north of Wellesley St. E. The Subject Site is situated within the City’s proposed Wellesley Protected Major Transit Station Area (“**PMTSA**”), which is the subject of OPA 524 (By-law 47-2022).

On behalf of CAPREIT, we are writing to request that the minimum Floor Space Index (“FSI”) for the Subject Site be increased from 1.5 to 6.0 within OPA 524.

Background and Reasons for Request

In July 2017, CAPREIT filed a Zoning Bylaw Amendment Application (“**Application**”) with the City which proposed to introduce a new purpose-built rental mid-rise building onto the Subject Site, wrapped around an existing 28-storey apartment building. The total FSI proposed by the Application was approximately 6.4 including the existing building, which has a density of approximately 4.5. On 8 March 2018, CAPREIT filed an appeal to the Local Planning Act Tribunal (predecessor to the Ontario Land Tribunal) (“**Tribunal**”) with respect to the Application. CAPREIT’s appeal was resolved by way of a settlement and ultimately approved in principle by the Tribunal at a density of approximately 6.0.

Our client submits that this minimum density of 6.0 is more appropriate for the Subject Site. The assigned density of 1.5 in OPA 524 does not reflect the redevelopment potential of the site. In fact, it does not even represent the current existing density on the Subject Site of approximately 4.5.

The proposed modification to OPA 524 will assist in facilitating the revitalization of the Subject Site and optimization of the planned infrastructure in the area.

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We note that City staff report dated June 2022, and called “City-wide 115 Proposed Major Transit Station Area/Protected Major Transit Station Area Delineations: Final Report” states that the density measures recommended for the various SASPs:

“are based on existing Council-approved development frameworks, including: in effect Official Plan land use designations within the identified areas; as-of-right zoning by-law permissions, density permissions included in secondary plans; and approved developments that have not yet been built.”

In this case, the Subject Site has an existing density of 4.5 and is approved in principle for a density of 6.0. With respect, the rationale for the City’s proposed 1.5 is not clear.

It is noteworthy that the current Provincial Policy Statement and Growth Plan reinforce the need for planning approvals to achieve optimization of land use and infrastructure through an intensification-first approach to growth management. For instance, the Growth Plan directs planning authorities to go beyond minimum growth targets identified therein, where appropriate. Policy 1.2.3. of the Growth Plan states that:


“Within the framework of the provincial policy-led planning system, decision-makers are encouraged to go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of this Plan.”

The determination of minimum densities within a PMTSA demands a qualitative assessment. Defaulting to the minimums set out in the Growth Plan is not appropriate, particularly where it has already been demonstrated that a greater level of density can be achieved, and in this case, is already achieved.

We would be pleased to discuss this request at your convenience. Please do not hesitate to contact the undersigned or to Eugenia Bashura at ebashura@woodbull.ca.

Yours very truly,

Wood Bull LLP

per: 

Johanna R. Shapira

JRS/EB

Encls.

c. client