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May 30, 2022

Via Email (andrew.whittemore@mississauga.ca)

Andrew Whittemore, Commissioner, Planning and Building
City of Mississauga
Mississauga City Hall, 300 City Centre Drive
Mississauga, ON L5B 3C1

To Whom it May Concern:

**Re: 151 City Centre Drive, Mississauga
Draft Community Benefits Charge By-law**

We represent Camcentre Holdings Inc. and Camcentre 2 Holdings Inc. (collectively, the “**Owner**”), the owner of the lands municipally known as 151 City Centre Drive (the “**Subject Property**”), in the City of Mississauga (the “**City**”).

As you know, the Owner is in the process of constructing a mixed-use development including 66-, 60-, 42-, and 30-storey residential buildings on the Subject Lands (the “**Development**”).

Further to the information and materials presented by City staff at the April 6, 2022 statutory public meeting with respect to the City’s Community Benefits Charge Review process, we write to provide the Owner’s comments with respect to the draft Community Benefits Charge Strategy and draft Community Benefits Charge By-law (collectively, the “**CBC By-law**”).

Importantly, the draft CBC By-law does not include fair or adequate transition provisions with respect to the treatment of active planning applications, such as the Development. In this regard, section 37.1(3) of the *Planning Act*, R.S.O. 1990, c. P.13 (the “**Planning Act**”) states:

“By-law described in repealed s. 37 (1)

(3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1):

1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law.
2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (45).

3. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37.”

The intent of the *Planning Act's* transition provisions are clearly to exempt already zoned developments that are in progress, and not to create a race to building permit issuance.

However, because the Mississauga City Centre is pre-zoned and does not include a section 37 component, and applicants did not therefore need to obtain a zoning by-law amendment in order to proceed – merely apply to lift the H – this transition will counter-intuitively not appear to cover them, nor will the draft transition provisions in the CBC By-law which relate to building permit issuance.

Should the final CBC By-law continue to not include appropriate transition provisions to the above-noted statutory effect, the Owner's position is that the effect of such a by-law would be fundamentally unfair with respect to its treatment of approved, pre-construction, and mid-construction projects, such as the Development.

Section 37(17) of the *Planning Act* further states:

“Appeal of by-law after passed

(17) Any person or public body may appeal a community benefits charge by-law to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.”

The Owner's position is that an appeal of the CBC By-law may be necessary in the event that it does not include appropriate transition provisions that protects projects for which an application for the lifting of a holding symbol has been filed.

Sincerely,

McCarthy Tétrault LLP



Michael Foderick
Partner

MF/DA

c: Mississauga City Council