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Our File No.: 211840

Via E-mail (dayna.obaseki@mississauga.ca)

General Committee
City of Mississauga
300 City Centre Dr.
Mississauga, ON L5B 3C1

Attention: Dayna Obaseki, Legislative Coordinator

Dear Sirs/Mesdames:

**Re: Item 10.2 – Parkland Conveyance By-law
Item 10.3 – 2022 DC Background Study & CBC Strategy and Associated By-laws**

We are solicitors for the owners of the properties known municipally in the City of Mississauga (the “City”) as 180 Burnhamthorpe Road West, 90 Dundas Street East and 3009 Novar Road (the “Properties”). On March 28, 2022, we provided comments to the City regarding the pending community benefits charge by-law and the need for transition for certain areas of the City and, in particular, for the Properties. Our clients’ concerns regarding this matter have not been addressed to date.

We are writing to ensure that these concerns are before General Committee when it considers the draft community benefits charge by-law (the “**Draft CBC By-law**”). We are also writing to express our clients concerns with respect to the draft parkland conveyance by-law (the “**Draft Parkland By-law**”).

Background

Each of the Properties is subject to existing zoning that permits certain as-of-right heights and density for which a Section 37 contribution is not required. This was the City’s decision to ensure an approach to intensification of the Properties (and others within the same areas).

Our clients have significantly advanced the planning processes for each of the Properties in reliance on this approach. The concern is that the Draft CBC By-law does not recognize the City’s decision to rezone the Properties (and others) without a Section 37 requirement. Passage of the Draft CBC By-law without a corresponding exemption would result in the Properties being subject to payment of a community benefits charge contrary to the planning history for the Properties.

City Response

By letter dated May 17, 2022, the City confirmed that it does not intend to provide any form of exemption for the Properties. However, the City's response provided no rationale for this approach, relying only on the general ability of the City (and other municipalities) to impose a community benefit charge on development or redevelopment that will be five or more storeys and adds 10 or more residential units.

The City's response also mistakenly assumes that the community benefit charge is a "new tool to help fund growth" when, in fact, it is a different approach to funding growth. The existing Section 37 regime is also a tool to help fund growth and enables the City to secure facilities, services or matters in return for an increase in the height or density of development. It is misleading to suggest that the Draft CBC By-law is "fundamentally different" from the existing Section 37 regime because both are directly related and intended to ensure that new growth provides appropriate facilities, services or matters.

Exemption is Warranted

In passing zoning by-law amendments in certain areas, including for the Properties, the City deliberately chose not to secure facilities, services or matters in return for an increase in the height/density of development. Our client relied on this decision of City Council in purchasing the Properties and proceeding with development. However, the transition in Section 37.1 of the *Planning Act* may not apply to the Properties, meaning that the City's decision not to apply Section 37 to the Properties would be reversed absent an exemption in the Draft CBC By-law.

We would respectfully request that the City recognize the planning history for the Properties and specifically exempt the Properties from the imposition of community benefits charges. This would be consistent with the current approach to Section 37 for the Properties and protect the ongoing planning processes.

Draft Parkland By-law

A blanket exemption should be provided in the Draft Parkland By-law for applications already filed with the City. As explained above, our client relied on the current regime in purchasing the Properties and proceeding with development. An exemption, or more meaningful transition, for these applications would be fair and reasonable, especially when the break in Council meetings resulting from the election will prevent certain actions (like removal of a holding provision) in advance of certain milestones currently proposed in the Draft Parkland By-law.

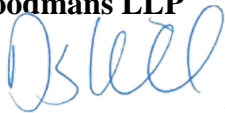
In the alternative, the City should also consider a lower cap on the per unit cash-in-lieu of parkland contribution for the Properties. As noted above, our clients have been proceeding with development approvals for the Properties in reliance on the City's existing growth funding tools. Absent transition or an appropriate exemption, our client has significant concerns with the City's methodology used to calculate the per unit cap on cash-in-lieu of parkland. In particular, it appears

that the City's methodology is based on the City acquiring all parkland required for build-out of the Downtown and other major nodes by 2041. This is neither feasible nor necessary, especially when the City does not appear to have a plan to acquire parkland for its major growth areas.

We would appreciate if this correspondence could be included as part of the record for both Item 10.2 and Item 10.3. Please also accept this letter as our request to receive notice of any decisions of General Committee and City Council regarding the Draft CBC By-law and the Draft Parkland By-law.

Yours truly,

Goodmans LLP



David Bronskill
DJB/

cc: Clients

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