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Our File No.: 211840

Via E-mail

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

Attention: Shahada Khan (shahada.khan@mississauga.ca)

Dear Sirs/Mesdames:

**Re: Community Benefits Charge By-law
Request for Transition**

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**”). We are writing on behalf of our clients to request some form of transition for the Properties in the pending community benefits charge by-law.

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. Our clients have significantly advanced the planning processes for each of the Properties in reliance on this approach. The concern is that passage of the community benefits charge by-law may result in the Properties being subject to payment of a community benefits charge contrary to the planning history for the Properties.

A community benefits charge may be imposed on development that, among other things, requires a permit under the *Building Code Act*. Further, subsection 37(4) of the *Planning Act* only exempts proposed buildings or structures from community benefits charges with fewer than five storeys or proposed buildings or structures with fewer than ten residential units. The redevelopment of each of the Properties will result in more than five storeys and more than ten residential units, meaning that the Properties should be subject to some form of transition to protect the ongoing planning processes.

However, the transitional matters in Section 37.1 of the *Planning Act* may not apply to the Properties. The previous Section 37 regime only continues to apply to properties for which the City has passed a by-law described in the repealed subsection 37(1) of the *Planning Act*. As noted above, the existing zoning for each of the Properties do not appear to include a by-law described in the repealed subsection 37(1) of the *Planning Act*. If this interpretation is correct, the Properties

would not be subject to transition under Section 37.1 of the *Planning Act*. This could negate the City's approach to the Properties while generating significant negative impacts to our clients.

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.

We would be pleased to meet with City staff to discuss these concerns in more detail. In the meantime, we would urge an approach to transition in any CBC by-law passed by the City that

Yours truly,

Goodmans LLP



David Bronskill
DJB/

cc: Clients

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