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VIA EMAIL

May 19, 2022

City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Guthrie and Members of Council

Dear Messrs and Mmes:

**Re: PARKLAND DEDICATION BY-LAW
Comments on Behalf of Starlight Investments**

We are counsel to Starlight Investments, which has various land holdings throughout the City of Guelph ("City"), including the lands located at 53 & 65 Speedvale Avenue and the lands located at 1112-193 Silvercreek Parkway North. Applications to redevelop a portion of each of these properties with high-density, mixed-use buildings have been submitted and are under review by City staff ("Development Applications"). The Development Applications will provide for 100% purpose-built rental housing.

In consultation with our client and our client's planning consultant, we have reviewed the City's draft Parkland Dedication By-law ("Draft PDB"), which is expected to be considered by Council in July. We are writing to provide Starlight's comments on the Draft PDB, particularly as it would apply to Starlight's Development Applications.

The City has provided comments on its expected parkland dedication requirements for both Development Applications. The comments suggest that the City is expecting Starlight to dedicate parkland at the applicable rates, applied to the entirety of the legal parcels owned by Starlight. We disagree with this application of the City's existing and proposed PDB to the Development Applications. Instead, the City is entitled to apply the parkland rates to only the portion of lands that are proposed for redevelopment.

Section 42 of the Planning Act is not intended to provide the City with a retroactive opportunity to collect parkland it failed to collect or was not entitled to collect in respect of existing development that is not part of the Development Applications. The PDB and section 42 of the Planning Act are instead intended to ensure that the City provides appropriate parkland for future development. The City's proposed

application would result in future development subsidizing the delivery of parks for existing residents and employees, which would constitute unjust enrichment and would increase the costs of new development, thereby making new housing less affordable. This runs counter to the objectives of the Planning Act and current planning policy.

To this end, the definition of “Land” in the Draft PDB should be revised to refer only to the portion of land that is subject to development or redevelopment. The legal ownership of land is irrelevant for purposes of determining the appropriate parkland dedication.

Furthermore, any redevelopment of land or “Conversion of Land”, as that term is defined in the Draft PDB, must be given appropriate credit in accordance with subsection 42(7) of the Planning Act. This should be reflected in the Draft PDB, similar to how it is currently addressed in the existing PDB.

Finally, the Draft PDB should govern the dedication of parkland at all stages of development, including parkland given under sections 51.1 and 53 of the Planning Act. Again, this is the approach taken in the current PDB and should continue through the Draft PDB.

We thank you in advance for your consideration of these submissions. We would welcome an opportunity to meet with you to discuss these comments and the application of the City’s PDB to Starlight’s Development Applications. We would also ask that this letter be included on the Agenda for July 18, 2022, when the Draft PDB is expected to be considered. We are also requesting notice of Council’s decision in respect of the Draft PDB.

Yours truly,

A handwritten signature in black ink that reads "Jennifer Meader". The signature is written in a cursive, flowing style.

Jennifer Meader
JM/jm