

September 1, 2023

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The Corporation of the City of Guelph
Guelph City Hall,
1 Carden Street
Guelph Ontario N1H 3A1

Attention: Mayor Guthrie & Council

Dear Mayor Guthrie & Council:

**Re: Proposed Amendments to Comprehensive Zoning By-law (2023)-20790;
September 6, 2023 Committee of the Whole Meeting**

We act as lawyers for the Guelph & District Home Builders' Association ("**GDHBA**") and Guelph-Wellington Development Association ("**GWDA**"), in relation to their appeals of Guelph Zoning By-law No. (2023)-20790 ("**2023 Zoning By-law**") to the Ontario Land Tribunal ("**OLT**").

The GDHBA & GWDA have appealed the 2023 Zoning By-Law in its entirety and the matter is proceeding through the OLT hearing process.

At the September 6, 2023, Committee of the Whole meeting, staff will be updating Council on the *Downtown Parking Master Plan, 2023-33* ("**Downtown Master Plan**") and will be treating the meeting as a Public Meeting pursuant to the *Planning Act* in light of staff-proposed changes to the *under appeal* 2023 Zoning By-Law. In addition, Council is being asked to pass the following resolutions:

[...]

4. **That Report 2023-323, which provides information for the Statutory Public Meeting for the proposed Zoning By-law Amendments to amend residential parking regulations in the Downtown Zones in both Zoning Bylaw (1995)-14864 and Zoning By-law (2023)-20790, dated September 6, 2023, be received.**
5. **That the Council decision on the proposed Zoning Bylaw Amendments to amend residential parking regulations in the Downtown Zones in both Zoning Bylaw (1995)-14864 and Zoning**

Reply to Guelph Office: ☒

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By-law (2023)-20790 as shown in Attachment-4 of Report 2023-323 be referred to the September 26, 2023 Council Meeting for approval.

The GDHBA and GWDA take issue with the contemplated amendments to the 2023 Zoning By-law while the by-law in its entirety is before the OLT. For greater certainty, the GDHBA and GWDA have no concerns with the City holding a public meeting or soliciting public feedback on the Downtown Master Plan or on potential changes to the Zoning By-Law, however, only the OLT has the jurisdiction to amend the 2023 Zoning By-Law while under appeal at this time.

If passed, GDHBA and GWDA will be forced to appeal these amendments at an increased financial and administrative expense to both parties only for this new appeal to presumably be consolidated into the existing OLT proceeding ("**OLT-23-000462**").

Instead, we respectfully suggest that if Council is inclined to change the parking ratios after recently passing its comprehensive update, and prior to the 2023 Zoning By-law coming into force through order of the OLT, that it simply pass a resolution directing its Staff and legal counsel to seek such an amendment through the current OLT hearing process. For greater clarity, we take no position on the merits of the staff-proposed changes at this time and will reserve any substantive remarks for the proper forum (the OLT).

Our clients also take issue with Council proceeding to amend the downtown parking regulations within the in-force Zoning By-law (1995)-14864 ("**1995 by-law**") given that this is a live issue before the OLT. However, as any proposed amendments to the 1995 by-law would only apply, temporarily, until the appeals are addressed by the OLT and the 1995 by-law is repealed, we are unlikely to appeal any such changes.

If you have any questions, please do not hesitate to contact our office.

Yours Very Truly,
SMITHVALERIOTE LAW FIRM LLP



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