



McCarthy Tétrault LLP  
PO Box 48, Suite 5300  
Toronto-Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Tel: 416-362-1812  
Fax: 416-868-0673

**Cynthia A. MacDougall**  
Partner  
Direct Line: (416) 601-7634  
Direct Fax: (416) 868-0673  
Email: cmacdoug@mccarthy.ca

February 28, 2020

**Via Email and Courier**

Mayor and Members of Council  
City of Guelph  
1 Carden Street  
Guelph, ON N1H 3A1

**Attention: City Clerk's Office**

Dear Sirs/Mesdames:

**Re: Clair-Maltby Secondary Plan - Open Space System Strategy;  
Report Number IDE-2020-17  
Committee of the Whole, March 2, 2020  
Item No. 10.1**

On behalf of Options for Homes, we are writing to express our concerns with respect to the Open Space System Strategy (OSSS) report recommendations for the Clair-Maltby Secondary Plan (CMSP) which are before the Committee of the Whole on March 2, 2020.

Options for Homes is the largest non-profit developer of affordable ownership homes in Canada. Over the past 25 years Options for Homes has built more than 3300 units, and currently has about 600 units under construction and about 2,000 units in their development pipeline. Options for Homes has an Agreement of Purchase and Sale (APS) for 14 hectares (35 acres) in the CMSP area.

Options for Homes has significant concerns with respect to the proposed single ten hectare Community Park comprised almost entirely of the lands subject to the APS, for reasons including, but not limited to, those set out below. The OSSS:

- is premature in light of the regulatory uncertainty around the timing of Bill 108 and associated regulations, which changes will have a fundamental impact on municipalities' rights and obligations with respect to the acquisition of park land and charges for community benefits.
- will significantly reduce the opportunity to build hundreds of units of affordable ownership housing for moderate income households;
- does not treat all the landowners in the CMSP area fairly in terms of sharing the park land allocation and community benefits;
- has been made without a clear acquisition strategy describing how the City of Guelph will acquire and pay for the park land; and

- is fundamentally unfair in that it may potentially devalue the lands identified for parks purpose to the benefit of all the other landowners in the CMSP area.

We respectfully request that members of Council:

- defer approval of the OSSS until such time as the regulations enacting the provisions of Bill 108 are issued by the province and there is a better understanding of the consequences of the changing legislative framework; and
- direct staff to include in the OSSS a plan for treating all the landowners in the CMSP area equitably in terms of sharing community benefits including parks.

Thank you for your consideration.

Yours truly,



Cynthia A. MacDougall  
Partner

CAM