



Johanna Shapira | B.A., J.D.

P. 416.203.5631
E. jshapira@woodbull.ca

File No. 1899

November 7, 2024

BY EMAIL

City Council, City of Guelph
Guelph City Hall
1 Carden Street
Guelph, ON N1H 3A1

Dear Mayor Guthrie and Councillors:

**Re: 601 Scottsdale Drive
Proposed Official Plan and Zoning By-law Amendments
File OZS24-007, 2024-460
Applicant Submissions**

We represent 601 Scottsdale GP Inc. and Forum 601 Scottsdale LP (together, “**Forum**”) in connection with the above-noted applications (the “**Applications**”) to permit the second phase of an existing student housing development on University of Guelph lands located at 601 Scottsdale Drive (the “**Student Residence**”). We understand that planning staff is recommending that you approve the Applications, as detailed in their report for the November 13th Council meeting (the “**Staff Report**”).

We have reviewed the Staff Report and write on behalf of Forum to respectfully request that you:

- (1) decline to make a decision on the Applications on the basis that the Student Residence is exempt from the *Planning Act*, R.S.O. 1990 c. P. 13 (the “**Planning Act**”); and
- (2) direct planning staff to work with Forum to finalize building permit plans for the Student Residence in regard to technical matters such as functional servicing and technical engineering requirements.

Exemption

We have provided planning staff with our opinion that the Student Residence is not subject to the Planning Act pursuant to Section 62.0.2 of same. As such, the Applications are not required to permit the Student Residence, nor are any future development applications including site plan approval. Additionally, other associated Planning Act matters, such as parkland requirements and community benefit charges, do not apply.



WOOD BULL LLP

65 Queen Street West, Suite 1400, Toronto, Ontario M5H 2M5

T. 416.203.7160

woodbull.ca

As you will know, the Province introduced the student housing exemption through Bill 185 (also known as the *Cutting Red Tape to Build More Homes Act, 2024*) with the express purpose of allowing post-secondary institutions to build more student housing faster to better meet the needs of their students. As with other universities across the country, the University of Guelph has faced significant shortfalls of student housing. The University has entered into a long-term ground lease with Forum for the sole purpose of constructing and operating a residence for its students, of which 177 beds (Phase one) are already constructed and operational.

Not only will the Student Residence expand student housing supply in the City by approximately 587 beds, it will also add additional amenity for current students living on the site today. The exemption from the Planning Act allows Phase two of the student housing development to move straight to building permit, to ensure its delivery by the start of the school calendar year 2027. Proceeding through the Planning Act process would delay the delivery of this much-needed housing by at least one school year.

Consultation and Engagement

Notwithstanding the exemption, the Student Residence was subject to a significant amount of consultation prior to Section 62.0.2 coming into force on June 6, 2024. This included two fulsome pre-application consultation meetings and submissions, a neighbourhood consultation, and a public meeting. A pre-consultation meeting was also completed for site plan approval. As such, the Student Residence as currently planned has benefitted from detailed comments, review, and refinements, and incorporates the substance and spirit of those consultations on not only the Applications, but site plan.

Notably, members of the public raised no concerns with the Student Residence. Comments on the first phase of development were supportive of using this site for student housing given its proximity to transit and the highway. There was also support for constructing purpose-built student housing to alleviate pressure on traditional housing in the City's more sensitive neighbourhood areas.

In addition to staff and the public, the Applications were circulated to City and outside agencies including the Ministry of Transportation (the "**MTO**") and Hydro One. As noted in the Staff Report, the MTO requested that greater setbacks be observed along Highway 6 and Stone Road West. Our client has been working diligently with the MTO to modify plans to meet those setbacks, while maintaining the student housing bed and amenity yield. As anticipated by the peer review prepared by FoTenn Planning + Design (attached to the Staff Report), applying the greater setbacks will require an increase in height to mitigate the resulting loss of beds. However, the additional height would remain below 14 storeys, the current permissible height.

We note that Forum had no knowledge of the peer review in advance of the Staff Report, so its work with the MTO was done independently, with notice to staff that it was being done.

Other performance standards are also expected to be affected by the greater setbacks, including parking and landscape buffers. In this regard, and without prejudice to our client's position that the Student Residence is exempt from the Planning Act, we note that the proposed zoning by-law amendment would not allow sufficient flexibility to accommodate the revised plans.

Forum has also adjusted the Student Residence to accommodate Hydro One, which are not specifically reflected in the plans before Council, but which continue to maintain the spirit of the plan and design.

Our client is working towards filing a building permit application by the end of November. In addition to the modifications made through the earlier consultation with planning staff, the plans will reflect comments from the MTO and Hydro One. Forum would welcome an opportunity to work with planning staff to finalize technical details for those plans, such as functional servicing and technical engineering requirements.

Request

On behalf of Forum, we hereby request that City Council decline to make a decision on the Applications on the basis that the Student Residence is exempt from the Planning Act, and direct planning staff to work with Forum to finalize building permit plans for the Student Residence in regard to technical matters such as functional servicing and technical engineering requirements.

If you make a decision on the Applications and instruments before you, our client may have to appeal the decision to the Ontario Land Tribunal without prejudice to its position that the Applications are exempt from the Planning Act.

Thank you in advance for your consideration of this submission. Forum's Managing Director of Real Estate Development, Dayna Gilbert, will also attend the Council meeting on November 13th to speak to this very important matter.

Yours very truly,

WOOD BULL LLP



Johanna Shapira
JRS

- c. D. Gilbert, Forum Asset Management
- B. Roco, University of Guelph, Director, Real Estate Division