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Our File No. 244839

VIA EMAIL

Council of the Corporation of the City of Cambridge
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Dear Council:

**Re: October 8, 2024 Council Meeting re Municipal File No's.: 30T-21101 & OR08/20
(1285 and 1455 Speedsville Official Plan Amendment, Zoning By-law Amendment
and Draft Plan of Subdivision (the "Subject Applications")) – Proposed Conditions
of Draft Plan of Subdivision 30T-21101 (the "Draft Plan of Subdivision")**

We are the lawyers for River Mill Development Corporation, the Applicant with respect to the above noted applications which are to be considered at the October 8, 2024 Council Meeting.

It is our understanding that City staff are recommending that City Council require our River Mill Development Corporation to provide \$500.00 per residential unit as a contribution towards the City's Affordable Housing Contribution Fund, or alternatively provide 20 affordable housing units, as a condition for approval of the Draft Plan of Subdivision. Specifically, Condition 11 of Appendix "D" of the Staff Report pertaining to the Subject Applications states as follows:



11	<p>THAT prior to the registration of the plan, the Owner/Developer shall make a contribution to the City of Cambridge Affordable Housing Contribution Fund for each residential unit developed within the plan. The contribution will be paid and set in accordance with the following:</p> <ul style="list-style-type: none"> a) The affordable housing contribution shall be \$500 per residential unit, regardless of the unit type, and shall not be subject to indexing or any other increase; b) The affordable housing contribution is payable for each residential unit in the plan, and shall be collected by the City prior to the registration of the plan; c) The affordable housing contribution shall not be payable in respect of additional residential units within a single detached, semi-detached or townhouse dwelling or in respect to any non-residential development; d) The affordable housing contributions paid by the Owner/Developer will be used by the City toward the capital costs of a planned affordable housing project that is otherwise fully funded and approved, and may be given by the City to a not-for-profit affordable housing corporation for that purpose or used by the City to acquire land to be conveyed to such a corporation for that purpose; and, e) The payment of the affordable housing contribution by the Owner/Developer pursuant to this condition shall be in full satisfaction of any and all requirements respecting the contribution to or provision of affordable or social housing in respect of the development of the lands within the plan. <p>Alternatively, the Owner/Developer enters into an agreement with the City of Cambridge and/or the Regional Municipality of Waterloo to provide 20 affordable housing units (as defined within the Regional Official Plan) for a specified period of time, within one of the high and medium density residential or mixed use blocks in the plan of subdivision to the satisfaction of the City of Cambridge.</p>
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We wish to advise City Council that Condition 11 is not a legal requirement and is not appropriate. Pursuant to Sections 16(5) and 35.2(1) of the *Planning Act*, municipalities are only permitted to impose requirements for affordable housing (i.e. inclusionary zoning) with respect to areas which are identified as protected major transit station areas or areas which are subject to a development permit system as ordered by the Minister.

The Subject Lands are not within a protected major transit station area or an area subject to a development permit system. Accordingly, the City does not have any statutory authority to require Condition 11 as set out in Appendix D of the Staff Report. We are not aware of any by-law establishing the City's Affordable Housing Contribution Fund. Further, the City has no by-law with respect to the collection and administration of funds for the purposes of providing affordable housing. The City's Affordable Housing Reserve Fund Implementation Policy has no legal effect in the absence of a by-law.

Our client has not agreed to Condition 11. Accordingly, we request that Condition 11 be deleted as condition of approval for the Draft Plan of Subdivision.

Our client is pleased to have these applications before Council for the on-going development of the River Mill community and contributing to the development of much needed housing in the City of Cambridge.

Yours truly,

FOGLER, RUBINOFF LLP

Joel Farber

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*Services provided through a professional corporation

JDF