



MILLER THOMSON
AVOCATS | LAWYERS

MILLER THOMSON LLP
SCOTIA PLAZA
40 KING STREET WEST, SUITE 5800
P.O. BOX 1011
TORONTO, ON M5H 3S1
CANADA

T 416.595.8500
F 416.595.8695

MILLERTHOMSON.COM

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Sent via E-mail
(Marilyn.Toft@Toronto.ca)

David Tang
Direct Line: 416.597.6047
dtang@millerthomson.com

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Members of the Planning and Housing
Committee
City of Toronto
City Clerk's Office
Secretariat
100 Queen Street West
12th Floor, West Tower
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft, Manager

Dear Members of the Planning and Housing Committee:

**Re: Submissions respecting the Report on Zoning Conformity for Official Plan
Employment Areas – Phase 1 Final Report and Phase 2 Update and
Draft By-laws amending Zoning By-law 569-2013 and the Zoning By-laws and
Codes of the former municipalities of York, Toronto, Leaside, East York,
Scarborough and Etobicoke
Item PH25.5 - Planning and Housing Committee Meeting, June 28, 2021**

We are the solicitors for the Roman Catholic Episcopal Corporation for The Diocese Of Toronto, in Canada (the “**Archdiocese**”), which is the owner of seven properties located on in areas designated Employment by Official Plan Amendment 231 (“**OPA 231**”). There are existing churches located on each of those seven properties (the “**Properties**”), as follows:

1. Christ the King Parish, 3674 Lake Shore Blvd West;
2. Good Shepherd Chaldean Parish, 2 High Meadow Place;
3. Holy Angels Parish, 61 Jutland Road;
4. Our Lady Queen of Poland Parish, 625 Middlefield Road;
5. Sacred Heart of Jesus Parish – Ye Su Sung Shim Parish, 296 Judson Street;
6. St. Andrew Kim’s Parish, 849 Don Mills Road; and
7. St. Fidelis of Assisi Parish, 33 Connie Street.

We are writing to provide the Archdiocese’s written comments with respect to the June 10, 2021 report from the Chief Planner and Executive Director entitled *Zoning Conformity for Official Plan Employment Areas – Phase 1 Final Report and Phase 2 Update* (the “**Report**”) and the draft zoning amendment by-laws which are attachments to that Report, designed to

implement that Report's recommendations (the "**Draft By-laws**"). Please provide this letter to City Council and consider this letter to be written submissions made pursuant to subsection 34(19)2 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

The Draft By-laws would amend Zoning By-law 569-2013, North York Zoning By-law 7625, York Zoning By-law 1-83, Toronto Zoning By-law 438-86, Leaside Zoning By-law 1916, East York Zoning By-law 6752, the Scarborough Employment Districts Zoning By-law 24982 and the Etobicoke Zoning Code. Each of those Draft By-laws would eliminate the *place of worship* use as a permitted use from any zones where a mix of employment, institutional, industrial and office uses are currently permitted and under which the churches on the Properties were envisioned, planned and constructed with funds donated by their congregations. The Draft By-laws go further to abolish even the permitted use *lawfully existing places of worship* and the accompanying provisions for these churches to be reconstructed if necessary; a reversal of the City's policy regime introduced by the *lawfully existing* concept with Zoning By-law 569-2013.

Request and Reasons

We are writing to request that the Committee and City Council refer the treatment of the Archdiocese' seven Properties back to Planning staff for further discussion. It asks that the Draft By-laws to be modified prior to their adoption by site-specifically permitting the *places of worship* use at each of those Properties. This would recognize and acknowledge the role that spiritual communities play in the lives of Torontonians, at work and in leisure, and the long-established planning permissions which encouraged those seven churches to be constructed and used by their congregations and communities.

Consistent Site Specific Permission Approach

Recognizing *place of worship* as an explicitly permitted use site-specifically is an approach that is consistent with the way these Draft By-laws are drafted and intended to work. The Draft By-laws already contain site-specific provisions which explicitly recognize *places of worship* as a permitted use, often along with recreational or community uses¹.

Our client suggests that its Properties should be treated in the same fashion, in recognition of their long-standing use by their congregations and the community and in some cases, the Official Plan policies and clear overall intent in the existing site-specific zoning that these Properties are to be used for a *place of worship*.

We further note that the Report itself indicates that "[w]here a secondary plan or site and area-specific policy allows for a sensitive use or use otherwise not permitted in *Employment Areas*, and that use is permitted under the in-force zoning by-law, it is the intent of this review to maintain that permission. This will be done through a site or area-specific

¹ See for example, 2781 Markham Road, 3323 Kennedy Road and 255 Milliken Boulevard, 88 Sunrise Avenue, 22 Hobson Avenue and 1331 Martin Grove Road as set out in the Draft By-laws amending the Scarborough Employment Districts Zoning By-law 24982, the North York Zoning By-law 7625 and By-law 569-2013.



exception in the applicable zoning by-law.”² The Draft By-laws do not implement that intent for these Properties, so our client’s request is that this be carried out.

Places of Worship Are Not Sensitive

The primary reason the Report gives for deleting the *place of worship* use is the need to separate **sensitive uses** from other employment uses in order to protect those employment uses. The application of that principle to *places of worship* was arrived at during the Employment Land Study which led to OPA 231 approximately a decade ago. Treatment of *places of worship* in this way may have been consistent with the Ministry of Environment’s guidelines for land use planning did consider *places of worship* a sensitive land use at that time.

However, that approach is no longer current. The Provincial approach to *places of worship* was amended in 2013. Today, the Ministry of Environment, Conservation and Parks’ *Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)* explicitly states that *places of worship* are not noise sensitive land uses if located in an Employment Lands:

A place of worship located in commercially or industrially zoned lands is **not** considered a noise sensitive institutional purpose building. (emphasis added)

Since a *place of worship* located in an Employment Area is no longer a sensitive land use which could threaten the viability of industries operating in the area, those uses do not need protection through the elimination of the *place of worship* use from the Properties. The current provincial policy regime with respect to *places of worship* and employment uses recognizes that *places of worship* can coexist well with employment activities.

Summary

With this additional information, we would ask that you refer the Draft By-laws back to Planning staff for discussions with our client so the Draft By-laws can be modified to contain site specific recognition and permission for the *place of worship* use on each of the seven Properties.

We look forward to further discussions with Planning staff on this matter and to a cordial resolution of our client’s concerns with the Draft By-laws as currently formulated.

² See page 10 of the Report under the heading **Secondary Plan Areas and Site and Area-Specific Policies**



Thank you for your consideration.

Yours very truly,

MILLER THOMSON LLP

Per:



David Tang
Partner
DT/ac

