



June 25, 2021

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Chair and Members of the Planning and  
Housing Committee  
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File: 21115.0877

Attention: Ms. Marilyn Toft, Manager

Dear Sirs/Mesdames:

**Re: Report on Zoning Conformity for Official Plan Employment Areas – Phase 1  
Final Report and Phase 2 Update (the “Report”)  
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 Toronto Catholic District School Board (“TCDSB”), which is the owner of five school properties located in areas designated Employment in the City’s Official Plan that are impacted by the recommendations in the above-noted Report. Those properties, on which existing schools are located, are as follows:

1. Monsignor Percy Johnson Secondary School, 2170 Kipling – designated Employment Area – current Zone I.C1 – proposed Zoning “excluded”
2. Holy Angels Elementary School, 65 Jutland & 956-962 Islington – designated Employment Area + Mixed Use Area (SASP 431) – current Zone I.C1 – proposed Zoning “excluded”
3. St. Basil-the-Great Secondary School, 20 Starview Lane – designated Mixed Use Area – current Zone M1 – proposed Zoning “excluded”
4. Christ the King Elementary School, 3672 Lakeshore Blvd W – designated Mixed Use Area (SASP 23) – current Zone I.C1 – proposed Zoning “excluded”
5. Monsignor Fraser College (NW Campus), 45 Norfinch Dr – designated Neighbourhoods – current Zone M1 – proposed Zoning “excluded”

We are writing to provide TCDSB’s written comments with respect to the Report and the draft zoning amendment by-laws attached thereto. These comments are made pursuant to subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

We note that TCDSB did not receive notice of the proposed zoning by-law amendments. We ask that TCDSB and the undersigned be notified of all future proposed zoning by-law or Official Plan amendments that could impact school properties or school zoning permissions.

TCDSB currently has an appeal of City By-law No. 569-2013 before the Ontario Land Tribunal, which includes the zoning proposed for the above-noted properties. It is our assumption that the draft by-law amendments are not intended to prejudice or otherwise impact that appeal, but to the extent that the above properties are included within the proposed zoning by-law amendments that are before Committee this needs to be clarified.

The draft by-laws before Committee 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 the draft by-laws would eliminate schools as a permitted use from any zones where a mix of employment, institutional, industrial and office uses are currently permitted. The draft by-laws would also remove the underlying zoning provisions that apply to these existing school properties, without consultation with TCDSB.

TCDSB asks that the Committee refer the treatment of the above five TCDSB properties back to Planning staff for further discussion and consideration, with a view to specifically recognizing and permitting the existing schools and school uses on each of the properties. It is TCDSB's position that the properties should be given site-specific permissions to the same extent as is proposed for the City-owned property at 60 Starview Lane, which is adjacent to a school property.

We note that the Report itself indicates (at page 10) 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 exception in the applicable zoning by-law." The draft by-laws do not implement that intent for these properties, and our client's request is that this stated intent be carried out.

## Summary

TCDSB requests that the Committee refer the draft by-laws back to Planning staff for discussions with our client so the by-laws can be modified to contain site specific recognition and permission for the existing schools on each of the five school properties listed above.

We thank you for your consideration.

Yours truly,  
MILLER THOMSON LLP  
Per:



Steven J. O'Melia  
SJO/dms

c. Michael Loberto, TCDSB (via email: [Michael.Loberto@tcdsb.org](mailto:Michael.Loberto@tcdsb.org))

