



PARENTE • BOREAN  
BARRISTERS AND SOLICITORS

July 10, 2024

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**Chair Perks and Members of Planning and Housing Committee**

City of Toronto  
100 Queen Street West, 10<sup>th</sup> Floor, West Tower  
Toronto, Ontario  
M5H 2N2

Re: **PH14.1 – CITY OF TORONTO OFFICIAL PLAN AMENDMENT 680  
MONTECASSINO INC. – 3710 CHESSWOOD DRIVE, NORTH YORK**  
PB File No. 20-0578

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We are the lawyers for Montecassino Inc. ("**Montecassino**"). Montecassino is the owner of the property municipally addressed as 3710 Chesswood Drive, North York (the "**Montecassino Property**").

This correspondence/written submission is provided by Montecassino in objection to the proposed City of Toronto Official Plan Amendment 680.

The Montecassino Property is approximately 2.2 acres in size and is located at the northwest corner of Sheppard Avenue West and Chesswood Drive within 250 metres of the Downsview Park TTC and GO Stations (designated by the City as an MTSA under adopted OPA 575). It is noteworthy that the Montecassino Property has functioned for in excess of fifty (50) years as a banquet hall/hotel and has never been known as an industrial site.

Montecassino made submissions to the Planning and Housing Committee on July 4, 2023, regarding OPA 668 which is directly tied to the thought process and implementation behind the currently proposed OPA 680. Montecassino made submissions to the Planning and Housing Committee on November 27, 2023. Both our submission on OPA 668 and our client's submission on OPA 680 are attached hereto for ease of reference.

Montecassino is deeply disappointed by the continued direction which City staff are proceeding with in regards to Areas of Employment. The intention of the new definition of Areas of

Employment is to limit employment areas to traditional manufacturing, warehousing or related uses. Commercial uses, including office, retail and institutional uses are not included in the definition of Areas of Employment, such that they are not subject to employment protection policies and further can allow for the introduction of appropriate uses (especially within MTSA's). OPA 668 and 680 undermine this objective in our opinion.

OPA 668 and OPA 680 will sterilize the redevelopment potential of the Subject Lands, precluding both the existing and long-term use of the property for hotel and banquet hall uses, but also more intensified redevelopment appropriate for an MTSA. As a result, these amendments would render the use of the land as legal non-conforming, which would fail to acknowledge the appropriate use(s) on the Montecassino Property and preclude other appropriate commercial uses from locating on the property (office, retail).

Further the implications of OPA 680, as noted to City staff through the consultation process, will result in potential barriers to reinvestment, including financing of the existing operations, given the legal non-conforming status which OPA 668 and OPA 680 will result in. Lastly, if the intent is to protect industrial and warehousing type operations, why is the City attempting to do so on properties that have never operated as such and are not going to be used for such purposes in the future?

Montecassino therefore submits that the Committee reject OPA 680 as proposed by City staff and instead direct City staff to conduct detailed reviews of existing designated Employment Areas to determine which properties meet the new definition of Areas of Employment and which do not (i.e. the Subject Lands/Montecassino Property) such that the intent of the *Planning Act, as amended* is implemented appropriately and without undue and unintended consequences to existing businesses and landowners.

We ask for written notification of any decisions by the Committee and Council on this matter and notification of adoption of OPA 680 should it occur.

Should you have any questions or comments, please do not hesitate to contact the undersigned.

Yours Very truly,

**PARENTE, BOREAN LLP**



Gerard Borean  
/CP

cc: The Honourable Toni Varone, Senator  
David McKay, MHBC

Encl.



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July 4, 2023

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Planning and Housing Committee  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Members of Planning and Housing Committee:

**Re: 1. 3710 Chesswood Drive, Toronto (the “Montecassino Property”) Employment Land conversion to allowed mixed-use re development.**

**2. Item 2023.PH&2 - Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation.**

We represent Montecassino Inc. (“Montescassino”) with respect to the above-noted Property.

On behalf of Montecassino, please accept this correspondence as Montecassino’s continued notice of concerns with respect to the proposed Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas (“Draft OPA 668”), which is to be considered by the Planning and Housing Committee at its meeting on July 5, 2023 and is also provided in reply to the City of Toronto (the “City”) Final Staff Report, dated June 19, 2023, with respect to the draft OPA 668.

### **Background**

The Montecassino Property is approximately 2.2 acres in size and is located at the northwest corner of Sheppard Avenue West and Chesswood Drive within 250 metres of the Downsview park TTC and Go Stations (proposed to be designated as a Protected Major Transit Station Area).

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It is noteworthy that the Montecassino Property has functioned for in excess of fifty (50) years as a banquet hall/hotel and has never been known as an industrial site.

Montecassino has sought an MCR conversion of the Montecassino Property from general employment area to mixed use area. A number of updates have been provided to the City; including, refining the development plans, so as to also provide a “Newcomers” hotel (144 suites) which would provide housing for new immigrants and confirming the affordable housing component of this proposal. A complete supplementary submission was provided to City staff in May of 2022, which responded to the City’s preliminary assessment comments.

### **Concerns with respect to Draft Official Plan Amendment 668**

Montecassino takes the position that:

#### **a. OPA 668 is premature**

- i. change to the definition of “Area of Employment” is not in effect, this acknowledged by the City’s staff;
- ii. implementation details have not been finalized and further Planning Act changes, regulations and new Provincial Policy Statements are required. This has not occurred. There is no need to move this matter forward at this time.

#### **b. Creates legal non-conforming situation**

- i. Many business owners likely don’t even know about this initiative – those that do are very concerned with losing their permissions. Montecassino has raised these concerns in various letters submitted to the Planning and Housing Committee (“PHC”);
- ii. Changes proposed will effectively make existing permitted uses, such as hotels and retail, which were lawfully approved in employment designations, legal non-conforming;
- iii. Significant impact to businesses results in the opposite effect of what City, through its staff, has suggested as its goal. It will undermine confidence and investment in these properties.

#### **c. Intent is to remove uses from Areas of Employment so why keep them there as proposed?**

- i. Intent is to protect manufacturing, warehousing, etc. by removing retail, commercial and office uses from Areas of Employment;

- ii. Why should the City keep these areas in Core and General Employment Areas – should be redesignated not made legal non-conforming;
- iii. These existing uses will not redevelop to manufacturing or warehousing – so to meet intent of legislation they should be redesignated.

Conclusion

Draft OPA 668, if adopted, would render the new definition of “Area of Employment” to be pointless.

On behalf of Montecassino, we submit that it is our opinion that Draft OPA 668 does not represent good planning and that PHC should require City’s Staff to reconsider its position and revise its report once the new definition of “Area of Employment” and the revised PPS 2023 are in force.

If you have any questions, please do not hesitate to contact me.

Yours Very truly,

***PARENTE, BOREAN LLP***

*Gerard C. Borean \**

\*Executed pursuant to the *Electronic Commerce Act*  
23932342.1

**November 27, 2023**

**Planning & Housing Committee  
Toronto City Hall  
100 Queen Street West,  
Toronto, Ontario  
M5H 2N2**

My name is Toni Varone, and through Montecassino Inc., I am the owner of the property known as the **Montecassino Hotel** located at Sheppard Avenue and Chesswood Drive. My family acquired this land in 1972 and was among the first developments in the Tudor Chesswood Business Park. For 50 years, we have operated a Hotel and Banquet Hall on this site. Montecassino has been a part of this community since the inception of this land parcel. Like many other companies in the area, we have contributed to the fabric of this community for the past half-century.

In the 2006 Official Plan, my property was designated as an Employment Area. Under the North York Zoning By-law 7625, hotels and banquet halls were permitted uses. In mid-2013, the City adopted the Harmonized Zoning By-law 569-2013, along with Official Plan Amendment 231. These changes designated my property as a General Employment Area, with hotels and banquet halls once again being permitted uses.

In August 2020, I applied for a conversion to mixed-use, which I did in good faith. Recognizing that the current building and structure of Montecassino has reached the end of its useful life expectancy, I wanted to leave a legacy of continued service to the community. Therefore, I proposed a 100% affordable rental housing project that would have provided dignity and respect to those in need within our community. The conversion application was not successful and the reality of upgrading and renewing our building as a Hotel and Banquet Hall is now unavoidable.

Montecassino continues to be a significant employer as a Hotel and Banquet Hall. The implementation of OPA 668 and now OPA 680, with the elimination of legally established uses, such as the banquet hall and hotel, will have the opposite of the intended effect and diminish the employment opportunities on this land.

It is my understanding that OPA 668 has not been adopted by Council but was passed previously by the Planning and Housing Committee and would recognize existing uses as “legally conforming” yet OPA 680 would then remove them from being permitted going forward so if I decided to rebuild my hotel or banquet hall given its place in its life cycle, I would not be permitted to do so at least as of right. OPA 680 and the elimination of our existing zoning rights and replacing the “**as of right use**” with a “**legal non-conforming use**” presents significant challenges in our pursuit to upgrade and renew our facility.

My understanding was this was not the intended outcome from the Ministry of Municipal Affairs and Housing. Their intent was not to remove uses on properties but have shopping centres, office parks and other “non-primary employment” uses redesignated to mixed use or another designation which did not constitute an “**Area of Employment**”. City staff have misconstrued this intent to achieve an agenda not intended by OPA 668 and OPA 680.

While I understand the importance of industry for the economy, eliminating legitimate existing employment uses such as retail, office, hotels, banquet halls, fitness centres, or arenas, from this community is unjust, ill-advised, mean-spirited and counterproductive. The community and the business owners I have spoken to are opposed to such actions, as is the local BIA. We, as employment generators in this community, are concerned as to why this council seeks to undermine valid employment uses. I question the wisdom of such a change. In conclusion I respectfully request that you reconsider the policies to remove the employment uses, like hotels, banquet halls, fitness centers and arenas from the General Employment Areas. This policy solution was poorly conceived and heavy-handed, addressing an issue that does not exist in many areas of the City's employment zones, especially the Tudor Chesswood Business Park.

Montecassino Inc.

*Toni Varone*

**Toni Varone**