

December 16, 2025

VIA EMAIL - [councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca)

Toronto City Council  
City Clerk's Office  
Toronto City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

Our File No. 158343

Dear Mayor and Members of Council:

**Re: Agenda Item 2025.PH.26.4  
Housing Action Plan:  
Avenues Policy Review Phase Two: Initial Study of Wards 9 and 11**

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Aird & Berlis LLP acts on behalf of 792 Ossington Inc. (our “**client**”), the owner of the property municipally known as 792 Ossington Avenue in Toronto (the “**site**”). Our client’s site is located on the west side of Ossington Avenue within 100 metres of the Ossington TTC station on Line 2. The site is within Protected Major Transit Station Area - Ossington Station (“PMTSA”), delineated in SASP 659 of Chapter 8 of the Official Plan.

We have reviewed the staff report and attachments for Agenda Item 2025.PH.26.4 and understand that the intent of the report is to bring forward two sets of instruments: Official Plan Amendments and implementing Zoning By-law Amendments for lands located within Protected/Major Transit Station Areas (“P/MTSAs”) and a second set of instruments for lands outside of P/MTSAs.

The staff report provides as follows with respect to lands proposed for redesignation to *Mixed Use Areas*:

“For all Mixed Use Areas along Avenues, the CR zoning SS4 standard set is recommended. It permits the maximum density introduced in the November 2024 updates to the Mid-rise Zoning Standards and implements the intent of the Avenues policies and updated Mid-Rise Building Design Guidelines.”

We note that the proposed implementing Zoning By-law Amendment does not address the Province’s recent direction regarding lands within P/MTSAs designated as *Mixed Use Areas*, *Apartment Neighbourhood*, and *Regeneration Areas*, pursuant to the Minister’s amendment to OPA 540 on August 15, 2025. On lands with the foregoing Official Plan designations within P/MTSAs, the minimum required Floor Space Index (“FSI”) is 8 FSI within 200 m of a P/MTSA and 6 FSI within 500 m of a P/MTSA.

As it relates to lands proposed for redesignation as *Apartment Neighbourhoods* (which redesignation would apply to our client's site) the staff report advises as follows:

“For parcels recommended for redesignation from Neighbourhoods to Apartment Neighbourhoods, staff recommend retaining the existing R zone which already includes the Expanding Housing Options in Neighbourhoods (EHON) Major Streets permissions adopted by Council on May 23, 2024. These permissions allow apartment buildings up to six storeys. In the study area, where the existing and planned rights-of-way are generally 20 metres, the current zoning already provides for a building scale similar to a mid-rise building.”

Once again, the staff report speaks to implementing the prior Council approved direction as it relates to Major Streets without any reference to the more recent, and applicable, direction from the Province regarding the required minimum densities within P/MTSAs pursuant to OPA 540, as amended by the Minister on August 15, 2025. This Provincial direction is applicable to our client's site.

Further consideration of the staff report indicates that staff are recommending a *Mixed Use Areas* designation on the east side of Ossington and an *Apartment Neighbourhoods* designation on the west side of Ossington due to differences in existing context, be it built form or use based (i.e. existing commercial operations on lands to be designated *Mixed Use Areas*).

In fact, a review of the actual built form for this stretch of Ossington indicates a remarkable similarity in both built form and mix of uses on either side of the corridor. Similarly, matters of transition are also more shared than varied as it relates to the east vs. west sides. This merits further consideration as it appears to inform the recommendations then made with respect to rezoning for those lands to be designated *Mixed Use Areas* whereas those lands to be designated *Apartment Neighbourhoods* are not to be rezoned.

Based on our review, the staff report appears to have ignored the implications of the recent Provincial direction in this respect. It is unclear as to why City staff would proceed at this time with the proposed Zoning By-law Amendment for lands within the P/MTSA before the final report from City Planning regarding the Zoning By-law Amendment to implement OPA 540, as amended, in Q2 2026 (Staff Report, Major Transit Station Areas and Protected Major Transit Stations Areas and Inclusionary Zoning Implementation - Status Update and Work Plan, September 11, 2025).

At the very least, the advancement of the Zoning By-law Amendments at this time, and without a fulsome consideration of the requirement to implement the Province's direction in respect of lands within P/MTSAs, is premature. This is particularly the case given that the lands designated *Apartment Neighbourhoods* have not been brought forward for consideration of rezoning and, based on the comments from the staff report extracted above, appear to have been relegated to the existing applicable zoning.

In our respectful submission, such an approach is entirely inconsistent with the clear direction given by the Province. For these reasons, and on behalf of our client, we hereby reserve the right to appeal any approval as it relates to our client's property, including the proposed redesignation to *Apartment Neighbourhoods* as well as adoption of a Zoning By-law Amendment in respect of

December 16, 2025

Page 3

which does not rezone the *Apartment Neighbourhoods* designated lands to give effect to the more recent Provincial direction.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello  
EPKC:gg

cc: Client

AIRD BERLIS