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January 22, 2025

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

Attention: Nancy Martins

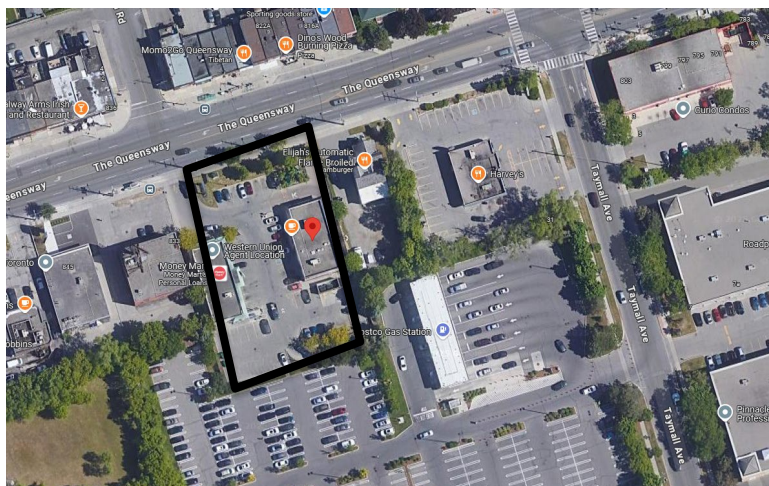
Dear Mr. Chair and Committee Members,

**RE:** Agenda Item PH18.5 – Housing Action Plan: Avenues Policy Review  
Proposed Official Plan Amendment 778  
829 The Queensway (the “**Subject Lands**”)  
Submission on behalf of 829 The Queensway Inc.

We are counsel to 829 The Queensway Inc. ("**829 Queensway**"), the registered owner of the lands known municipally as 829 The Queensway. We write to identify significant issues our client retains in respect of draft Official Plan Amendment 778 ("**OPA 778**") while providing revisions to address such issues.

## Background

829 Queensway illustrated below within the dark black outline and is currently occupied by a pair of single-storey commercial uses.



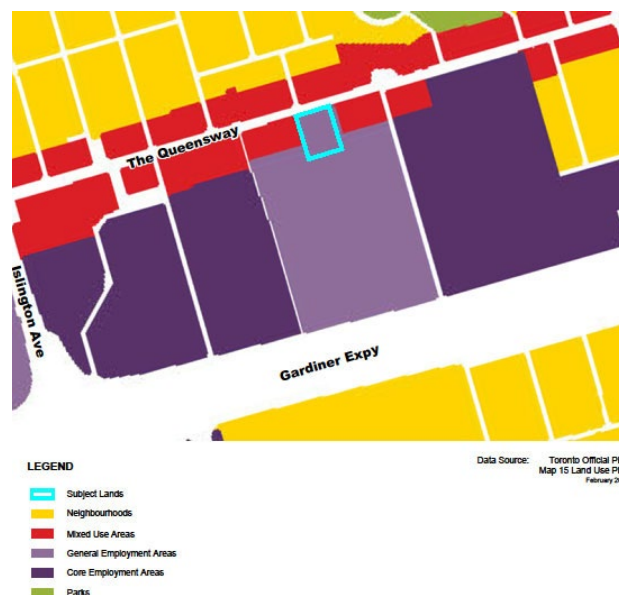


Through the 2002 Queensway Study, the Subject Lands and other adjacent lands fronting along the Queensway, were recognized as an *Avenue*, thereby maintaining their underlying residential permission. The study was used to justify amendments to the Etobicoke Zoning Code to permit mixed-use development along this portion of The Queensway. The zoning permits mixed-uses, inclusive of residential uses, with heights up to eight storeys and a floor space index of 3.0 times the area of the lot.

With the coming into force of the City of Toronto Official Plan, the Subject Lands were designated as a *Mixed Use Area* with an *Avenue* overlay. This followed the recommendations of the Queensway Study referenced above.

As a result of the City's municipal comprehensive review in 2013, Council adopted Official Plan Amendment 231 ("OPA 231"). Unbeknownst to our client, the designation for the Subject Lands was changed from *Mixed Use Areas* to *General Employment* (see the figure below).

However, we understand that none of the materials supporting OPA 231 explained or justified the change to the designation of the Subject Lands – particularly given the mid-block nature of those lands (now sandwiched between two *Mixed Use Areas*) and directly across from lower density residential structures and the stable residential neighbourhood further to the north.



As there is no explanation whatsoever to support the revised designation (or its placement), it is quite possible that this re-designation is attributable to simple error. This is supported by the fact that the *Avenue* overlay remained unchanged and in effect for the Subject Lands.

### ***Official Plan Amendment 653 (Adopted but Unapproved)***

In July of 2023, City Council adopted Staff's report for Official Plan Amendment 653 ("OPA 653"). The adopted recommendations of this report included the re-designation of the



northerly 2/3's of the Subject Lands, reverting that portion to *Mixed Use Area* and corrected Map 2 and its *Avenue* structure overlay such that the northerly portion of the Subject Lands was identified as part of The Queensway *Avenue*. These revisions are illustrated below (extracted from the aforementioned Staff report) with the area cross-hatched being redesignated as *Mixed Use Area*:



Unfortunately, OPA 653 remains with the Province for approval and is not in force.

## **OPA 778**

### ***Urban Structure***

In reviewing Staff's report, dated January 2, 2025, in support of OPA 778, we note that the removal of the *Avenue* overlay for the Subject Lands is incongruent with Staff's – and the City's – position as adopted in OPA 653.

In other words, City Council has *already* acknowledged that (at least the north 2/3's of the Subject Lands) should be designated as *Mixed Use Area* which would support the continued application of the *Avenue* overlay – not its removal.

Thus, OPA 778 should seek to rectify the situation currently “on hold” by redesignating the Subject Site as *Mixed Use Area* and continuing to extend the *Avenue* overlay thereon.

To that point, it is our client's position that the southerly 1/3 of the Subject Lands should also be redesignated as *Mixed Use Area*. Maintaining a designation as *General Employment Areas*, would preserve a dual designated parcel with an orphaned piece unlikely to support employment uses. This would leave its practically without use other than for landscaping or parking/loading.

Neither of these promote the objectives identified in the *Provincial Planning Statement*.

However, this underutilization can be easily remedied by simply applying the same designation (*Mixed Use Area*) to the entirety of the Subject Lands.



Speaking to concerns about extended that designation to the south, it should be noted that uses for the adjacent lands to the south are institutional (the League of Ukrainian Canadians) or commercial (Sean Boutilier Academy of Dance and Costco). As a result, the appropriate extension of the *Mixed Use Area* designation would not create any compatibility issues.

Furthermore, as the north-side of The Queensway on the block immediately north of the Subject Lands (including the north side of The Queensway), is currently occupied by low-scale residential house forms. As a result, it makes little sense why there is a mid-block “break” in the *Avenue* overlay as it does not protect any existing employment uses. Further, such a position is incongruent with Council existing position for the Subject Lands.

### **Requests for Revisions**

Considering these comments and submissions, on behalf of our client, we ask that Council revised the recommendations of Staff and make the following revisions to OPA 778:

1. The *Avenue* overlay should be adjusted to include the Subject Lands so that the *Avenue* overlay is maintained on the parcel and continuous along the block containing the Subject Lands (i.e. from Plastics Ave. to the west and Taymall Ave. to the east).
2. Re-designate the northerly portion of the Subject Lands to *Mixed Use Area* to ensure congruency with the *already adopted* position Council from OPA 653.
3. Re-designate the southerly portion of the Subject Lands to *Mixed Use Area* so that the entirety of the site maintains the same designation and avoids creating a remnant or “orphaned” portion of the parcel designated for potentially conflicting uses.
4. Replace the last sentence of Policy 3 b. so that it reads (added text in bold):

“....may go beyond the height and scale of a mid-rise building in Mixed Use Areas when located within a 500 to 800-metre walking distance of an existing or planned subway station, light rail transit station, or GO rail station as shown on Map 4, ~~The greatest height and scale should be focused at the station.~~ **provided appropriate transition to established neighbourhoods is demonstrated.**

5. Policy 7 c. should be amended

“...include transportation improvements such as transit priority measures, improved connections to higher-order transit stations, new or improved laneways **and walkways where demonstrably required,** and shared off-street parking facilities, **and** cycling improvements, ~~and new walkways;~~

We ask that our office be provided with notice of any reports, materials, meetings, notice and/or decisions related to this matter

Of course, should Council or Staff have any questions regarding this submission, please do not hesitate to contact the undersigned directly.



Regards,  
**LOOPSTRA NIXON LLP**

Per: Aaron I. Platt  
AIP

**CC:** Jeffrey Cantos, Acting Director, Strategic Initiatives, Policy & Analysis  
Kyle Fearon, Project Manager, Strategic Initiatives, Policy & Analysis  
Kyle Pakeman, Project Coordinator Strategic Initiatives, Policy & Analysis  
City of Toronto, Clerk  
David McKay, *MHBC*  
Client