

July 15, 2025

By Email

Planning and Housing Committee

City of Toronto
100 Queen Street West
Toronto, ON
M5H 2N2

To the City Clerk:

Please add these comments to the agenda for the July 15, 2025 Planning and Housing Committee meeting on item P23.3, Zoning Amendment Application for 66-66Y Third Street. I consent to this letter being publicly visible online.

Re: Proposal to amend Zoning By-law 569-2013 for 66-66Y Third Street

Dear Chair and Members of the Planning and Housing Committee (the “Committee”),

I write as a concerned member of the South Etobicoke community. I am also a lawyer in private practice.

I submit that the zoning by-law amendment for 66-66Y Third Street (the “Lots”) raises a number of legal issues and that the site is unlike the other 5 shelter sites being considered by the Committee at this time. For the reasons detailed below, I submit that the Committee should reject the zoning amendment. In the alternative, 66-66Y Third Street should be considered in a separate hearing from the other sites.

(1) Change of Use and failure to notify pursuant to the Planning Act?RiSiOi.7666

The Lots are governed by By-Law Number 1987-224 passed by the City of Etobicoke in 1987. It specifies that the Lots are classified as Commercial (C) and provides that notwithstanding Section 350-38 of the Zoning Code the Lots “shall only be used for the purposes of a public parking area”.

The proposed zoning amendment for the Lots is a change in use under the Planning Act. The City of Toronto has not followed proper planning principles and has failed to adhere to the notice requirements provided for under the *Planning Act, R.S.O. 1990* and its associated regulations.

(2) Breach of Contract

In Ontario Municipal Board (“OMB”) Decision R880061, the OMB considered City of Etobicoke By-law 1987-224 for the purpose of changing the zoning on the land where the Lots are situate from Residential District (R2) to Commercial District (C), and to specify the use of the Lots as only for a municipal parking lot. Page 5 of the decision describes the contribution of \$30,000 from a Lake Shore Boulevard business owner towards the purchase of the Lots so that they could be acquired for the use of parking to support the neighbouring businesses. This \$30,000 contribution from the owner of Johnson Meats was also reported in local papers at the time. The source quoted was Ward 1 City Council Alderman Helen Wursta.

This agreement between the City of Etobicoke, now the City of Toronto, and local businesses was to use the \$30,000 consideration towards the acquisition of land to be used as parking lots for business needs. The City of Etobicoke has benefited this agreement with the collection of the revenue from the Lots in the years since 1987. This agreement meets the test for a legally binding contract. The City of Toronto does not have the requisite authority to rezone these Lots for other uses. Proceeding with this could give rise to a cause of action from neighbouring businesses for breach of contract.

(3) Breach of Trust

The rezoning of the Lots could also potentially give rise to an action for breach of trust. The City of Etobicoke was arguably holding legal title for the benefit of neighbouring businesses who contributed funds for the purchase of the land. This is arguably a bare trust relationship under which the City of Toronto is acting in a fiduciary capacity and cannot unilaterally make decisions regarding the property held under the bare trust without direction from the neighbouring businesses.

(4) Incompatibility with other Zoning on Third Street

Third Street is a small low-density residential side street which abuts Lake Ontario. It is made up primarily of single-family homes and has no through traffic. The proposed height and size of the building is entirely out of character with the street and the surrounding neighbourhood. The current zoning allows for a maximum height of 11 to 12 metres on the rest of the street, yet the proposal suggests a building height of up to 25 metres, which is double the rest of the area.

In conclusion, I ask the Committee to reject the zoning amendment. In the alternative, I ask the committee to set aside the zoning amendment proposal for 66 Third Street so that it can be given further review and consideration.

Sincerely,

Jennifer Lynch