

December 2, 2025

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

Please circulate this email to the Chair and all Committee members ahead of the meeting. We request that this submission be published online as part of the public record. We understand that these comments and the personal information in this email will form part of the public record and that our name will be listed as a correspondent on agendas and minutes of City Council or its committees. We also understand that agendas and minutes are posted online and our name may be indexed by search engines such as Google.

Re: Item PH26.10 – Permanent Closure of a Portion of the Public Laneway at 66–66Y Third Street
Chair Perks and Members of Committee,

I am writing on behalf of New Toronto Initiative to object to Item PH26.10. This objection is based on the fact that the Planning and Housing Committee does not have jurisdiction to conduct the statutory hearing for this laneway closure. This is a matter of statutory compliance under section 38 of the City of Toronto Act and a matter of delegated authority under Chapter 27 of the Toronto Municipal Code.

New Toronto Initiative is currently suing the City of Toronto for process failures and procedural unfairness in the handling of the 66 Third Street file. The routing of this statutory decision to the wrong committee adds to the growing number of procedural irregularities that have affected this file.

Section 38 requires Council to provide public notice and a hearing before closing a public highway. Council has delegated these hearings to Community Councils in Chapter 27. That delegation remains in force. No lawful instrument has been identified that changes it. Item PH23.3 did not assign the Planning and Housing Committee as the statutory hearing body. It did not amend Chapter 27. It did not alter the jurisdiction of the Etobicoke York Community Council. It did not authorize centralizing the closure hearing at the Planning and Housing Committee.

The only justification provided is that the shelter program was considered a city-wide initiative. This is not a legal basis for transferring jurisdiction. It is also inconsistent with how the City handles planning matters of city-wide significance. When Council updates the Official Plan or adopts a city-wide zoning policy, those items go to the Planning and Housing Committee. But when a site-specific zoning amendment is required to implement those city-wide policies on a single property, the statutory hearing takes place at the local Community Council. The City separates city-wide policy from local statutory action. The fact that PH23.3 was heard at this committee does not convert the closure of a single laneway in New Toronto into a city-wide statutory hearing.

The City's own record further contradicts the justification now being used. In 2024, Scarborough Community Council heard the permanent closure of part of Agincourt Drive, despite that closure's

direct connection to the GO Expansion and SmartTrack program. Council had exceptional powers for that project but did not use them to bypass the statutory local route. The City followed the proper process for a far larger and more consequential project than the one before you today. The deviation in the 66 Third case is therefore neither necessary nor supported by practice.

Proceeding at the Planning and Housing Committee instead of the Etobicoke York Community Council creates clear procedural unfairness. It deprives residents of the local forum that the statutory scheme requires. It removes the opportunity for the ward councillor to hear deputations at the correct stage. It significantly affects residents with mobility challenges who cannot attend downtown and who do not have the technology to participate remotely. If the hearing were held at the Etobicoke York Community Council as required, those residents would be able to participate.

The Planning and Housing Committee does not have the delegated authority to act as the statutory hearing body for the closure of a laneway in Etobicoke. Any attempt to proceed regardless of the delegation structure in Chapter 27 risks producing a closure by-law that is procedurally defective and subject to being overturned.

For these reasons, I request that Item PH26.10 be referred to the Etobicoke York Community Council for the statutory hearing with proper notice under Chapter 162. This is the only lawful route available to the City.

Thank you for your attention to this matter.

Trevor Edwards

South Etobicoke Community Association
o/a New Toronto Initiative