

AIRD BERLIS

Sidonia J. Tomasella
Direct: 416.865.7763
E-mail: stomasella@airdberlis.com

January 21, 2026

BY EMAIL

c/o Kelly Dynes, Project Lead (ourSC@toronto.ca)
Community Planning, Scarborough District
150 Borough Drive
Toronto, ON M1P 4N7

c/o Nancy Martins (phc@toronto.ca)
Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Dynes and members of Planning and Housing Committee:

**RE: Planning and Housing Committee – Item PH27.3
Draft Scarborough Centre Secondary Plan, OPA 871 and Urban Design
Guidelines
Transmetro Properties Limited – 350 Progress Avenue and 1750 Brimley Road**

Aird & Berlis LLP is counsel to Transmetro Properties Limited (“**Transmetro**”) with respect to the property municipally known as 350 Progress Avenue and 1750 Brimley Road in the City of Toronto (the “**Lands**”). The Lands are located north of Progress Avenue and west of Brimley Road. A portion of the Lands, being 1750 Brimley Road, are located within the Scarborough Secondary Plan Area (the “**Secondary Plan Area**”).

On December 22, 2025 we received a copy of the updated draft Scarborough Secondary Plan (“**Draft SP**”) alongside the draft Official Plan Amendment 871 (“**Draft OPA 871**”), and draft Urban Design Guidelines (“**Draft UDG**”). We note that we previously submitted comments on behalf of Transmetro in response to the April 2025 Draft SP. Our commenting letter dated May 2, 2025 (the “**May 2025 Letter**”) is enclosed as Appendix 1 for your reference.

We have reviewed the updated Draft SP, the Draft OPA 871 and the Draft UDG against our May 2025 Letter, and continue to have outstanding comments to be addressed, as detailed below. We acknowledge correspondence from City Planning on January 14, 2026 which responds to the below concerns and either confirms that further amendments are required or provides confirmation that our site-specific approvals do not conflict with the Draft SP. Irrespective of that correspondence, we are filing this letter given that, to date, we are not in receipt of updates confirming that the requested revisions are being proposed to the Draft SP.

BACKGROUND

Site-Specific Official Plan Amendment and Zoning By-law Amendment

As previously noted in our May 2025 Letter, Transmetro received approvals for a site-specific Official Plan Amendment (the “**OPA**”) and Zoning By-law Amendment (the “**ZBA**”) from the Ontario Municipal Board (the “**OMB**”) in 2005 / 2007 (OMB File No. PL011117). The OPA approval was incorporated directly into the Scarborough Centre Secondary Plan when it was brought

forward in 2005 and is currently identified as Site and Area Specific Policy No. 2 (the “**SASP**”). The ZBA was implemented through site-specific By-law 1347-2007. The approved OPA and ZBA permit a combined maximum total of 1,797 dwelling units and maximum building heights of 30-storeys on the Lands in the Secondary Plan Area.

Draft Plan of Subdivision

Transmetro also received approval for a Draft Plan of Subdivision (the “**DPS**”) as part of the OMB File No. PL011117. A detailed description of the approved DPS and a copy of the plan can be found in Appendix 1.

On July 3, 2024, we filed a request to the Ontario Land Tribunal to re-open the OMB File No. PL011117 on behalf of Schick Court Inc. (“**Schick**”), a company in which Transmetro has an existing Agreement of Purchase and Sale. We note that the Agreement of Purchase and Sale between Transmetro and Schick specifically pertains to 1750 Brimley Road and does not include 350 Progress Avenue. The lands municipally known as 350 Progress Avenue will remain in our client’s ownership.

DRAFT SCARBOROUGH CENTRE SECONDARY PLAN

Secondary Plan Policy Comments

Section 15 - Site And Area Specific Policies

This section is specific to Transmetro’s Lands.

In Section 15 ‘Site and Area Specific Policies’ of the Draft SP, we note that page 39, ‘Section 15.1’, currently provides as follows: “For the lands shown as 2 on Map 5-12:”, whereas it should read “For the lands shown as 1 on Map 5-12:”.

Policy 15.1 (b):

Requires the following in relation to the Lands:

“Amendments to the zoning by-law to permit 1,797 dwelling units may require the owner to enter into an agreement with the City pursuant to Section 37 of the Planning Act, to convey land for public parks in excess of 5% for residential development and 2% for office-commercial development, and a cash payment for public pedestrian walkways, and development of public parkland located within this designation.”

This proposed SASP ignores that the ZBA (which permits 1,797 dwelling units) is in force, a Section 37 Agreement was executed on March 11, 2004 (amended on May 17, 2006) and registered to the Lands, and accordingly, the obligations to secure the conveyance of parkland has already been completed. We assume that this wording has been carried forward by the current Secondary Plan (2005); however, in our submission the policy is no longer required and gives rise to confusion.

Proposed Block Configuration - Maps 5-2, and 5-6 to 5-11

Per our original comments in the May 2025 Letter, we requested that the proposed Secondary Plan maps should be updated to reflect the approved DPS block configuration. In the current Draft SP, the midblock connections are still shown through Block 2 of the DPS on Maps 5-2, and 5-6 to 5-11. This does not reflect the approved DPS block configuration as we requested (see Figure 1 below). Furthermore, Map 5-5 (Figure 2) contains conceptual building outlines on the Lands. While we acknowledge City Planning's correspondence of January 14, 2026 confirming that this mapping does not conflict with our site-specific approvals given that these connections and building outlines are conceptual, in our submission this may cause confusion through the implementation and approval of future development applications for the Lands. We note that unlike the SASP in Section 15.2, the site-specific approvals for the Lands have not been recognized in Section 15.1 in the same manner. Furthermore, like Section 15.2, in our submission the SASP should clearly acknowledge that where there is conflict between the general policies of the Draft SP and the SASP that the SASP will prevail.

Requested Revisions

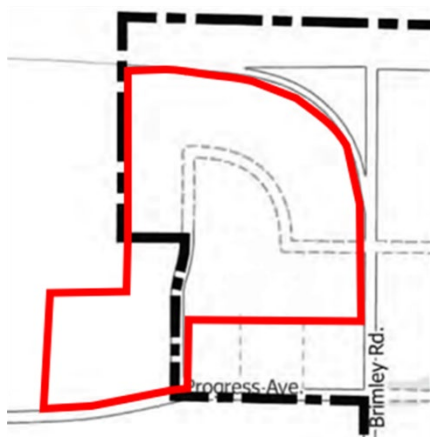
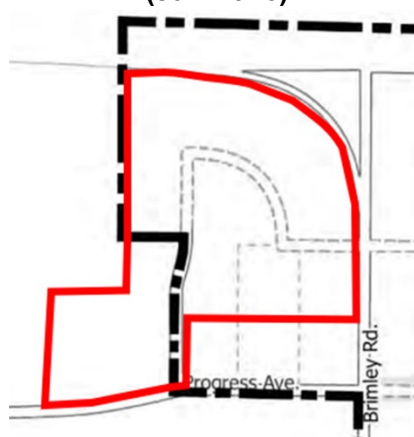


Figure 1 – Proposed Block Configuration

**Draft Secondary Plan
(Jan 2026)**

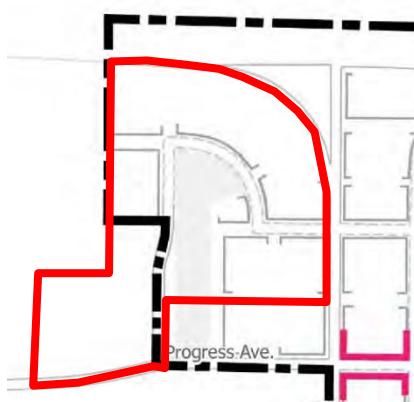


Requested Revisions



Figure 2 – Map 5-5, Conceptual Building Outlines

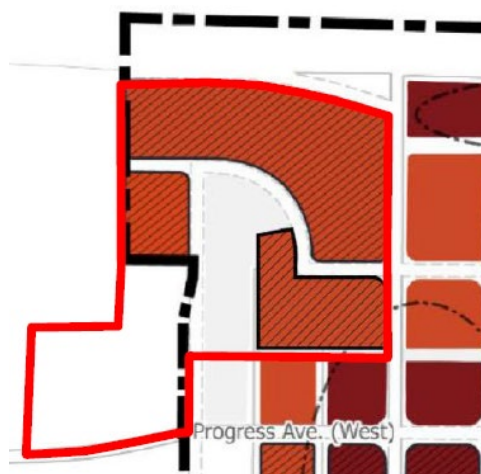
**Draft Secondary Plan
(Jan 2026)**



Proposed Building Heights

Map 5-11, 'Building Heights', sets out the proposed permitted building heights for the Draft SP. The site-specific OPA and ZBA identify that a maximum of 30-storeys is permitted on the entirety of the Lands. The permitted heights should be consistent across all policy documents. In the latest version of the Draft SP, the development parcel known as Block 3 is proposed to be permitted to have heights of 15 to 29-storeys (see Figure 3). Section 15.1 recognizes that heights of up to 30 storeys are permitted on the Lands. However, as noted above the SASP should clearly acknowledge that where there is conflict between the general policies of the Draft SP and the SASP that the SASP will prevail. Furthermore, Map 5-11 continues to show a split between the development parcel known as Block 2 which is inconsistent with the lot pattern as approved by the DPS.

Requested Revisions



**Updated Draft Secondary Plan
(Jan 2026)**

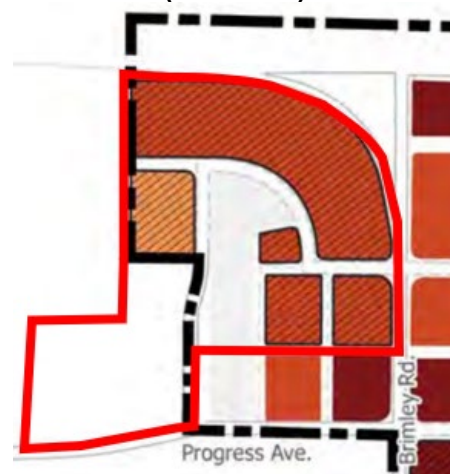


Figure 3 – Map 5-11, Building Heights

CONCLUSION

We respectfully request that the City review and address the above comments and proposed revisions prior to City Council's consideration to ensure that the Secondary Plan appropriately recognizes the existing site-specific approvals for the Lands.

We would like to thank staff for the ongoing engagement with respect to the Lands and appreciate your consideration and response to the above. Kindly provide the undersigned with notice of any decision of City Council or its Committees concerning this matter.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Tomasella
Partner

SJT:/TC

Encl.

67182700.3

Appendix 1



Sidonia J. Tomasella
Direct: 416.865.7763
E-mail: stomasella@airdberlis.com

May 2, 2025

BY EMAIL (ourSC@toronto.ca)

c/o Kelly Dynes, Project Lead
Community Planning, Scarborough District
150 Borough Drive
Toronto, ON M1P 4N7

Attention: Ms. Dynes:

**RE: Transmetro Properties Limited – 350 Progress Avenue and 1750 Brimley Road
Draft Scarborough Centre Secondary Plan**

Aird & Berlis LLP is counsel to Transmetro Properties Limited (“**Transmetro**”) with respect to the property municipally known as 350 Progress Avenue and 1750 Brimley Road in the City of Toronto (the “**Lands**”). The Lands are located north of Progress Avenue and west of Brimley Road. A portion of the Lands, being 1750 Brimley Road, are located within the Scarborough Secondary Plan Area (the “**Secondary Plan Area**”).

On April 7 and 10, 2025, City staff held Public Open Houses where they brought forward a copy of the draft Scarborough Secondary Plan (the “**Draft SP**”) for public review and comment. It is our understanding that a final report and copy of the Draft SP will be brought forward for Scarborough Community Council and City Council review and approval in July 2025.

SITE-SPECIFIC APPROVALS

As the City is aware, Transmetro received approvals for a site-specific Official Plan Amendment (the “**OPA**”) and Zoning By-law Amendment (the “**ZBA**”) from the Ontario Municipal Board in 2005 / 2007. The OPA approval was incorporated directly into the Scarborough Centre Secondary Plan when it was brought forward in 2005 and is currently identified as Site and Area Specific Policy No. 2 (the “**SASP**”). The ZBA was implemented through a site-specific By-law 1347-2007. Excerpts of both approvals are included as ‘Attachment 1’.

The approved OPA and ZBA permit a combined maximum total of 1,797 dwelling units and maximum building heights of 30 storeys on the Lands in the Secondary Plan Area. The ZBA mapping further distributes the number of permitted dwelling units into various blocks on the Lands (see Schedule 1 of By-law 1347-2007). The approved ZBA also permits a maximum of 30 storeys on all portions of the Lands within the Secondary Plan Area, except for the portion that is zoned for future parkland.

Following the OPA and ZBA approvals, Transmetro also received approval of a Draft Plan of Subdivision (the “**DPS**”) by the Ontario Municipal Board. The approved DPS proposed a number of blocks for the purpose of mixed-use development (residential and commercial), future parkland and the widening and extension of the existing Schick Court (See Attachment 2 showing mark up of DPS). The Schick Court right-of-way width was approved to be 23 metres wide along its entire span from Progress Avenue to Brimley Road.

DRAFT SECONDARY PLAN

With respect to the merits of the Draft SP, we make the following comments which should be considered to reflect the above-noted approvals on the Transmetro Lands:

Proposed Block Configuration

All proposed Secondary Plan maps from 5-2 to 5-11 should be updated to reflect the approved DPS block configuration as shown in 'Attachment 2'.

Schick Court Right-of-Way Width

Map 5-7 'Street Right-of-Way Widths', which sets out the proposed permitted street widths in the Draft SP, currently proposes that Schick Court will be 20 metres and 27 metres in width between Progress Avenue and Brimley Road.

The proposed road widths on Map 5-7 do not align with the approved DPS on Transmetro's Lands which, as noted above, permits a right-of-way width of 23 metres for the entirety of Schick Court. For your consideration, we have created a comparison map (see Figure 1 below) where the Lands are shown with the current proposed road right-of-way width in the Draft SP vs. the width as permitted by the DPS.

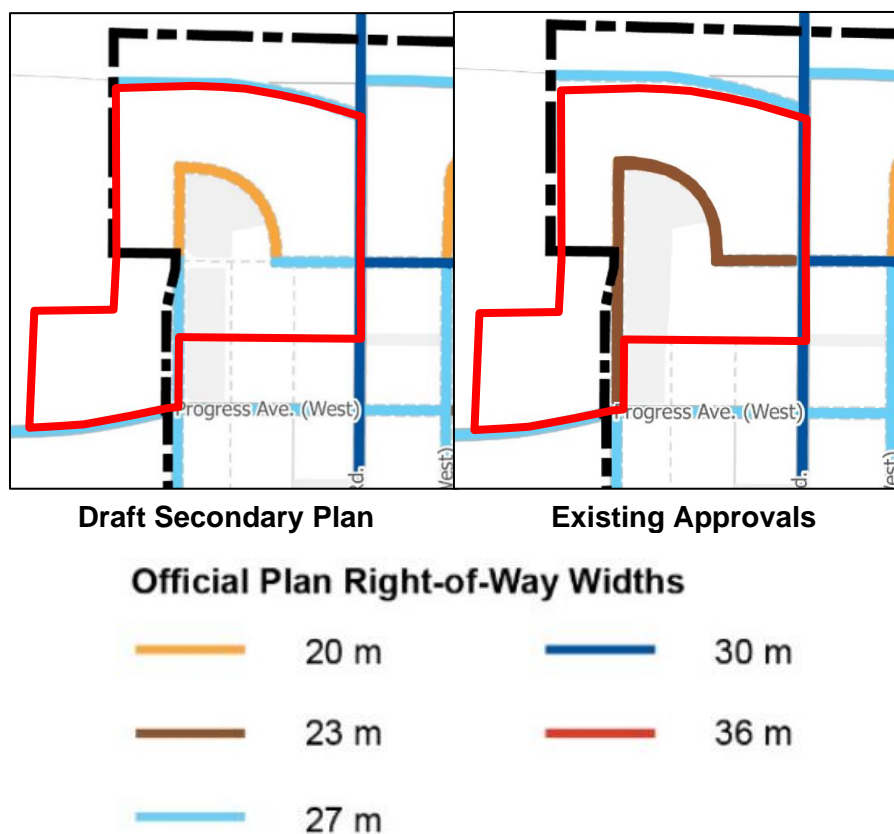


FIGURE 1 – EXISTING AND PROPOSED STREET RIGHT-OF-WAY WIDTHS MAP 5-7
(LANDS IDENTIFIED IN RED BOUNDARY)

Proposed Building Heights

Map 5-11 'Building Heights', which sets out the proposed permitted building heights for the Draft SP, proposes to permit a range of heights on the Lands in the Secondary Plan Area. These heights range from 1 to 4 storeys, 15 to 29 storeys, and 30 to 44 storeys.

The proposed heights on Map 5-11 'Building Heights' do not align with the approved OPA and ZBA on Transmetro's Lands. We have created a comparison map (see Figure 2 below) where the Lands are shown with the current proposed heights in the Draft SP vs. the heights which are permitted by the site-specific approvals (30 storeys). The proposed height map has also been updated to expand the black hatching over the portions of the Lands that are subject to 'Existing or Approved' heights.

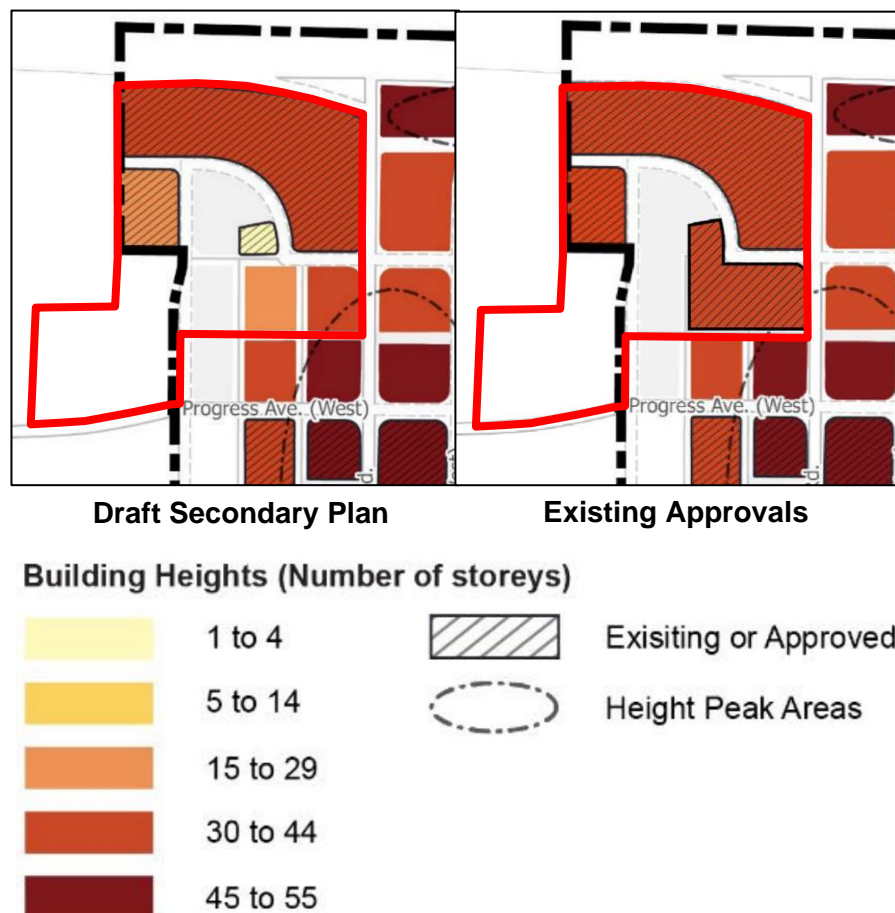


FIGURE 2 - EXISTING AND PROPOSED DRAFT HEIGHT MAP 5-11
(LANDS IDENTIFIED IN RED BOUNDARY)

May 2, 2025
Page 4

We respectfully request that the City review the above comments and proposed revisions for the Draft SP to reflect Transmetro's existing approvals. Furthermore, based on the foregoing, we ask that the comments be addressed prior to City Council's consideration of the final form of Draft SP.

We thank the City for the opportunity to provide this feedback on behalf of our client and would be happy to provide any further information you may require. If you can please provide us with a notice of any future actions taken by the Scarborough Community Council and City Council as it relates to the Draft SP.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Tomasella
Partner

SJT:/TC

Cc: Client
Leslie Forder (Leslie.Forder@toronto.ca)

64316996.1

**AMENDMENT TO THE OFFICIAL PLAN
FOR THE CITY OF TORONTO
PROGRESS EMPLOYMENT DISTRICT SECONDARY PLAN
CITY CENTRE SECONDARY PLAN**

WHEREAS the Ontario Municipal Board pursuant to its Order No..... dated2003, upon hearing the appeal of Transmetro Properties Limited under Section 22(7) of the Planning Act, R. S. O. 1990, c. P. 13, as amended, deems it advisable to amend the Official Plan for the City of Toronto, Progress Employment and City Centre Secondary Plans of the former City of Scarborough;

THEREFORE the Ontario Municipal Board hereby amends the Official Plan of the City of Toronto, the Progress Employment District Secondary Plan and City Centre Secondary Plan for the former City of Scarborough, as follows:

OFFICIAL PLAN AMENDMENT

1. The Progress Employment District Secondary Plan (West) is hereby amended by deleting the lands outlined in a heavy black line on Schedule "I" to this amendment.
2. The City Centre Secondary Plan is amended as follows:
 - 2.1 Figure 4.1.1, Land Use Plan, is amended by adding the lands west of Schick Court together with a designation for City Centre Uses and Numbered Policy 5, as shown outlined in a heavy black line on Schedule "II" to this amendment;
 - 2.2. Figure 4.1.2, Densities Plan, is amended by adding the lands west of Schick Court together with a designation 'For Density See Numbered Policy on Figure 4.1.1', as shown on Schedule "III" to this amendment.
 - 2.3. Section 4.1.7, Numbered Policies is amended by deleting the text of Numbered Policy 5, and replacing the text of Numbered Policy 5, as follow:
5. Lands on the West Side of Brimley Road, North of Progress Avenue.
 - 5.1 A maximum of 1,797 dwelling units shall be permitted within the area subject to this Numbered Policy.
 - 5.2 Amendments to the zoning by-law to permit 1,797 dwelling units may require the owner to enter into an agreement with the City pursuant to Section 37 of the Planning Act to convey land for public parks in excess of 5% for residential development and 2% for office-commercial development, and a cash payment for

public pedestrian walkways, and development of public parkland located within this designation.

5.3 The implementing zoning by-law shall permit building heights of 30 storeys. Maximum building heights may be increased beyond 30 storeys by Minor Variance upon the filing of a satisfactory Site Plan Control application.

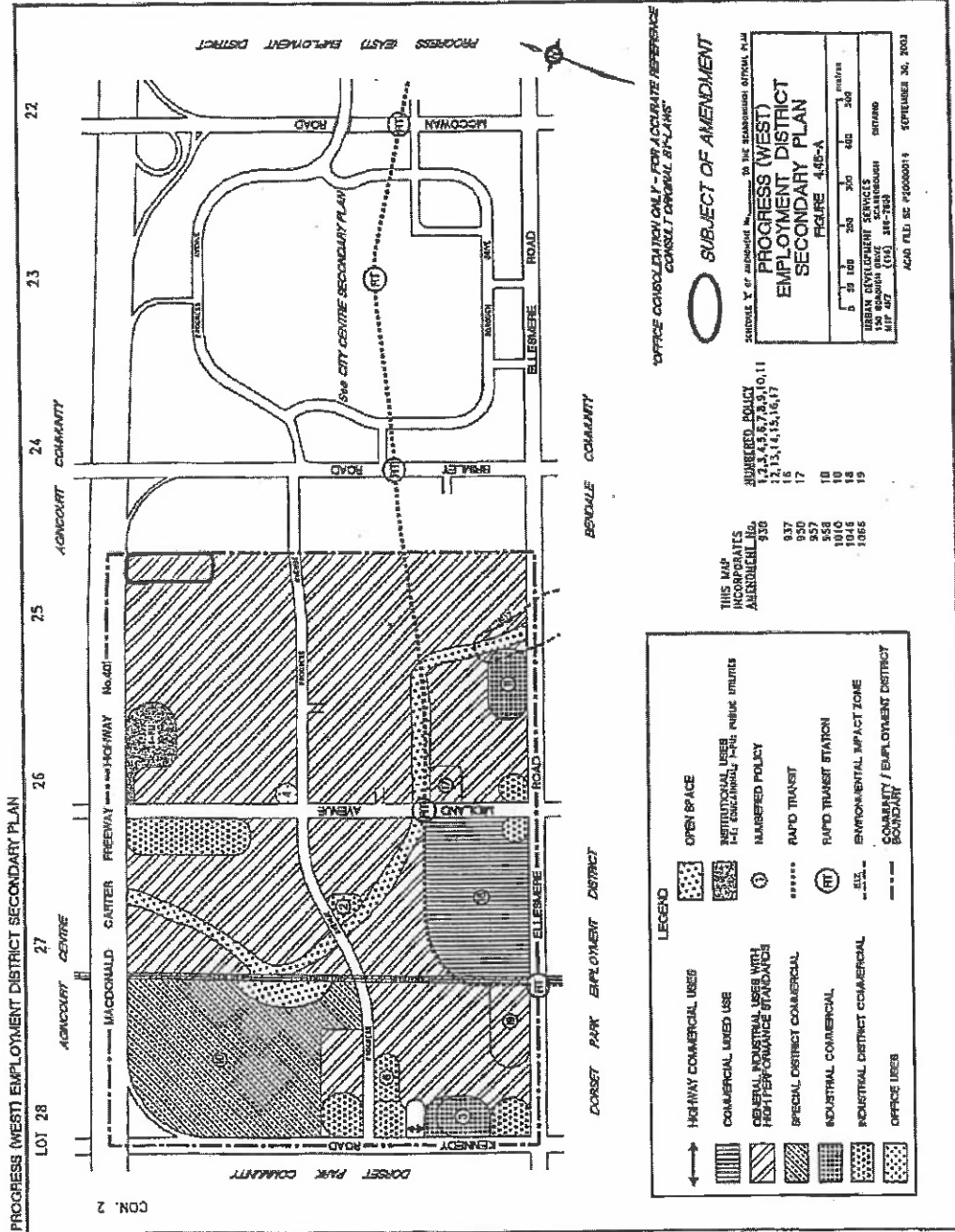
5.4. The owner will prepare Urban Design Guidelines in consultation with the city to ensure achievement of all urban design objectives for the subject lands.

5.5. To promote a lively and active streetscape and to provide "eyes on the street", street related commercial or residential units will be located at the base of buildings fronting onto the public pedestrian walkway- possible future public street to Brimley Road, and along the Brimley Road frontage south of this facility. Development north of the public pedestrian walkway- possible future public street to Brimley Road will endeavour to implement this objective by the above means or through the placement of recreational facilities, outdoor amenity areas, pedestrian connections to the street and other design features.

By Order of the Ontario Municipal Board.

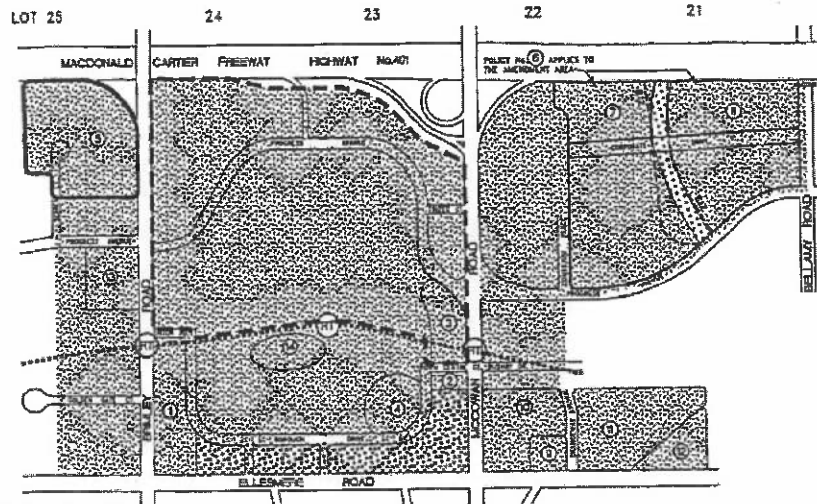
Date _____

Order Number _____



CITY CENTRE LAND USE PLAN

CON. 2



LEGEND	
	CITY CENTRE USES
	CITY CENTRE MAJOR OPEN SPACE
	OPEN SPACE
	NUMBERED POLICY
	RAPID TRANSIT
	RAPID TRANSIT STATION
	ENVIRONMENTAL IMPACT ZONE
	CENTRAL COMMERCIAL CORE

THIS MAP INCORPORATES AMENDMENT No.	NUMBERED POLICY
580	
634	
677	
710	
744	1, 2, 3
783	4
795	5
801	6, 7, 8
821	9, 10
957	11, 12
995	
996	
997	
1057	
1059	8 local
1069	14
1070	9, 10
1078	6 local
1079	13
1083	14 local

"OFFICE CONSOLIDATION ONLY - FOR ACCURATE REFERENCE CONSULT ORIGINAL BY-LAWS"

SUBJECT OF AMENDMENT

SCHEDULE "T" OF AMENDMENT No. _____ IN THE SCARBOROUGH OFFICIAL PLAN

CITY CENTRE LAND USE PLAN

FIGURE 4.11

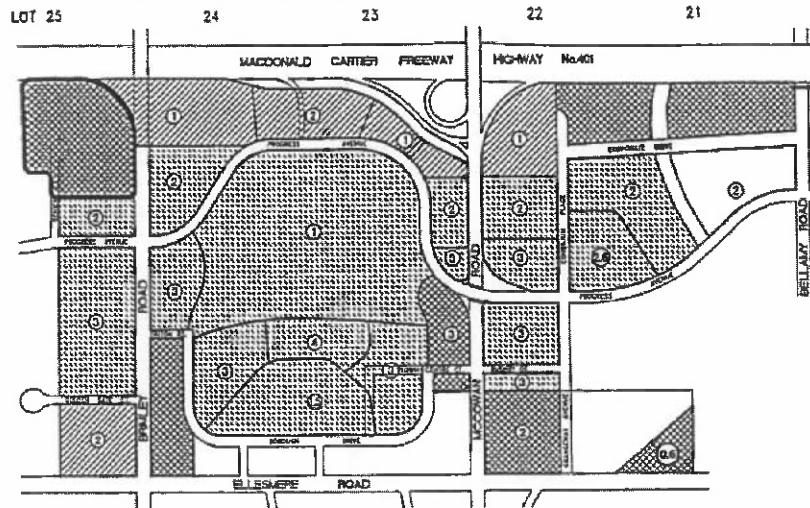
0 50 100 150 200 250 300 350 400 450 500 metres

URBAN DEVELOPMENT SERVICES
150 BAYVIEW DRIVE SCARBOROUGH ONTARIO
M1P 4K7 (416) 366-7900

HEAD FILE: SC P20000014-1 SEPTEMBER 30, 2003

CITY CENTRE DENSITIES

CON. 2



MAXIMUM DENSITIES	
OFFICE PLUS RETAIL	
①	DO NOT SHOW TOTAL FLOOR AREA DIVIDED BY LAND AREA
RESIDENTIAL	
150 DWELLING UNITS PER HECTARE	
60 DWELLING UNITS PER HECTARE	
FOR DENSITY	SEE DENSITY POLICY ON FIGURE 4.1.1.

THIS MAP INCORPORATES AMENDMENT No.	NUMBERED POLICY
590	
634	
677	1, 2, 3
730	4
744	
793	5
795	6, 7, 8
801	9, 10
821	
857	11, 12
895	
995	
997	
1043	1 local
1057	
1059	8 local
1069	14
1070	9, 10
1075	
1083	14 local
1086	2 local

OFFICE CONSOLIDATION ONLY - FOR ACCURATE REFERENCE CONSULT ORIGINAL BY-LAW

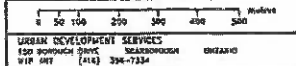


SUBJECT OF AMENDMENT

SCHEDULE "C" OF AMENDMENT No. 18 THE MONTREAL OFFICIAL PLAN

CITY CENTRE DENSITIES

FIGURE 4.12



URBAN DEVELOPMENT SERVICES
150 BROADVIEW AVENUE, SUITE 1000, TORONTO, ONTARIO
M4P 1K1 (416) 394-7334

ACAD FILE: SC 970000014-2 SEPTEMBER 30, 2003

CITY OF TORONTO

BY-LAW No. 1347-2007(OMB)

To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended with respect to the Progress Employment District and lands located west of Brimley Road, north of Progress Avenue and on Schick Court extension.

WHEREAS the Ontario Municipal Board by way of Decision Order No. 1922 issued on July 10, 2007 determined to amend the Scarborough Employment Districts Zoning By-law No. 24982;

THEREFORE the Ontario Municipal Board HEREBY AMENDS the Scarborough Employment Districts Zoning By-law No. 24982 as follows:

1. **Schedule “A”** of the Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District), is amended by deleting the current zoning and replacing it with the following zoning, as shown on Schedule ‘1’ to this By-law:

CCR – 665 – 699 – 1185 - 1565 – 1838 – 2029 – 2373 –

451

CCR (H) – 665 – 700 – 1186 – 1565 – 1838 – 2029 – 2373 –

451

529

CCR (H) – 665 – 701 – 1185 – 1565 – 1838 – 2029 – 2373 –

451

529

CCO – 80 – 827 – 1379 – 1380 – 1799 – 2029

P

2. **Schedule “B”, PERFORMANCE STANDARDS CHART**, as amended, is hereby further amended by adding the following Performance Standards:

INTENSITY OF USE

80. Maximum gross floor area of all buildings 40,430 m².
699. Maximum 1,072 **dwelling units**.
700. Maximum 421 **dwelling units**.
701. Maximum 304 **dwelling units**.

MISCELLANEOUS

827. The **gross floor area** of all accessory uses permitted by CLAUSE VI, 15(b) shall not exceed 10% of the total built **gross floor area** of CCO Uses.

SETBACKS – OTHER YARDS

1185. No residential **dwelling units** shall be located closer than 25 meters from the west boundary of this Zone.
1186. No residential **dwelling units** shall be located closer than 20 meters from the south boundary of this Zone.

HEIGHT

1838. Maximum number of storeys – 30.

SECTION 37

2373. The owner of the lands shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R. S. O. c.P. 13, as amended, which agreement shall be registered on title. The Agreement shall require that lands within the plan of subdivision zoned for residential and ancillary commercial development shall convey parklands to the City of Toronto in excess of 5% of the residential lands and 2% of the commercial lands, and shall contribute a total of \$350,000.00 to the City for the development of parklands within this plan of subdivision and for the construction of a public pedestrian walkway to the Scarborough Centre RT Station.

3. **Schedule “C”, EXCEPTIONS LIST**, is amended by adding Exception 451 and 529 as follows:

Exception 451.

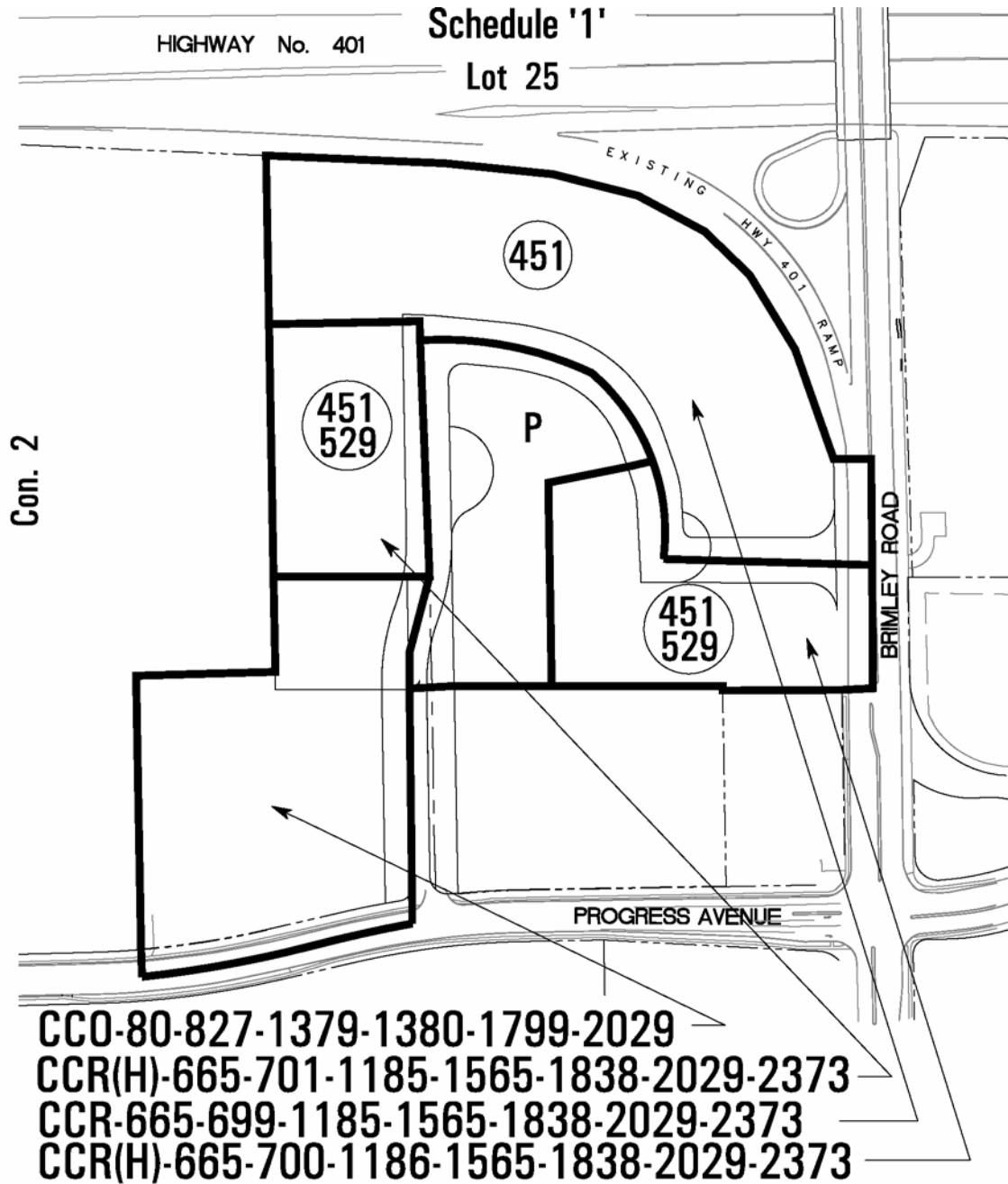
- (a) Additional Permitted Uses ancillary to City Centre Residential Uses: retail stores, **Personal Service Shops, Restaurants**, banks and **Financial Institutions** are permitted to a maximum total **gross floor area** of 750 m². The **gross floor area** of such additional permitted uses is exempt from the minimum parking requirements otherwise provided by Clause V, Section 7.2, Table of Required Parking Rates
- (b) A sales and marketing centre, including model suites, for the purpose of presenting, marketing and selling residential dwelling units is permitted.

Exception 529.

- (a) Permitted uses prior to the removal of the Holding Provision (H) from this site shall be restricted to all uses permitted in the Industrial Zone (M), and a sales and marketing centre, including model suites, for the purposes of presenting, marketing and selling residential **dwelling units**, subject to the following Performance Standards:

- (b) The Holding Provision (H) shall be removed by amending By-law upon the opening of public road access from the subject lands to the west side of Brimley Road between Progress Avenue and Highway 401, or October 21, 2005, whichever shall come first.

PURSUANT TO THE ORDER/DECISION NO. 1922 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JULY 10, 2007 IN BOARD FILE NO. PL011117.



Zoning By-Law Amendment

Brimley Road & Highway 401

File # SC-P20000014, SC-Z20000023, SC-T20000002



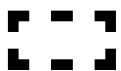
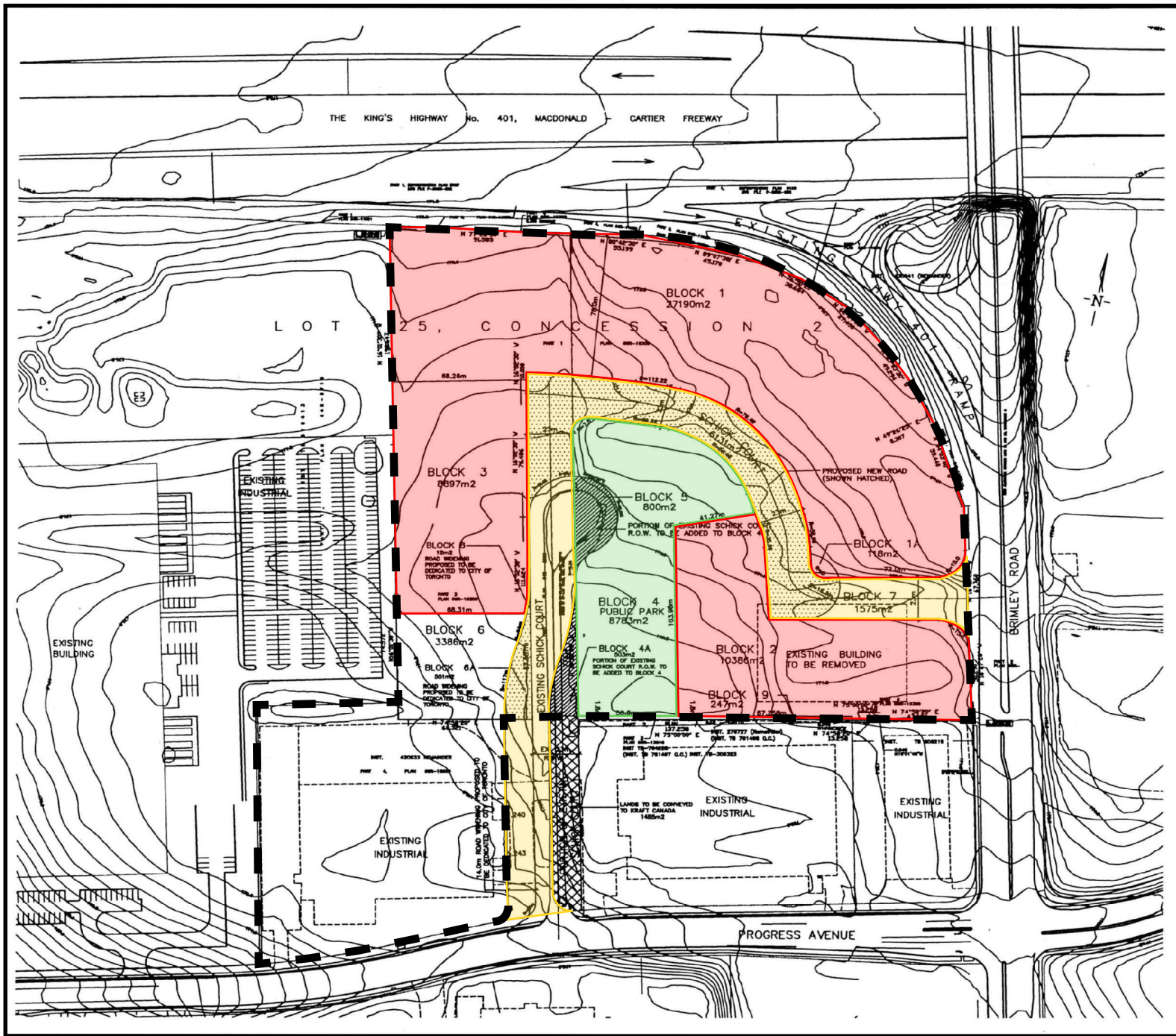
Area Affected By This By-Law

Progress Employment District Bylaw
Not to Scale
9/30/03



ATTACHMENT 2

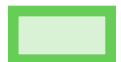
DRAFT PLAN OF SUBDIVISION



Transmetro Lands



Approved Mixed-Use Blocks



Approved Parkland Block



Approved Schick Court (23m width)