

**Justine Reyes**  
Associate  
Direct 416-730-8377  
Cell 437-424-3244  
jreyes@overlandllp.ca

**Overland LLP**  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca

**overland**

January 21, 2026

**VIA E-MAIL**

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

**Attention: Nancy Martins, Administrator**

Dear Members of the Planning and Housing Committee:

**RE: Agenda Item PH 27.3 – Scarborough Centre Secondary Plan – Final Report  
Concerns regarding proposed Official Plan Amendment 871  
Comments from New-Can Realty Ltd.**

We are the lawyers for New-Can Realty Ltd. (“**New-Can**”), being the owner of the property municipally known as 700 Progress Avenue (the “**Property**”), in the City of Toronto (the “**City**”).

We have reviewed the Report for Action titled “Scarborough Centre Secondary Plan – Final Report” dated January 8, 202[5] (the “**Staff Report**”), which contains the proposed Official Plan Amendment 871 (“**Draft OPA 871**”), the draft Scarborough Centre Secondary Plan (the “**Draft Secondary Plan**”) and the draft Scarborough Centre Urban Design Guidelines (2025) (the “**Draft Guidelines**”). Draft OPA 871, the Draft Secondary Plan and the Draft Guidelines are scheduled to be considered by the City’s Planning and Housing Committee (the “**Committee**”) at its meeting of January 22, 2026.

On behalf of our client we are writing to provide our comments and concerns with Draft OPA 871 and the Draft Secondary Plan, and request that the Committee defer its consideration of this matter to allow for further consideration of the concerns raised herein.

In addition to the submissions provided herein, we previously submitted correspondence in respect of the Draft Secondary Plan via e-mail on May 20, 2022 to City Staff, and by letter to Scarborough Community Council dated June 20, 2023. A copy of our correspondence is enclosed.

**BACKGROUND**

Draft OPA 871 proposes to replace the current Scarborough Centre Secondary Plan in its entirety. The policies of the Draft Secondary Plan are intended to shape the long-term growth of the Scarborough Centre Area in response to significant planned transit investments, including the Scarborough Subway Extension and Durham Scarborough Bus Rapid Transit (BRT). Draft OPA 871 and the Draft Secondary Plan apply the following mapping designations to the Property:

- **Map 5-2: Structure Plan** – A *Planned Park* identified at the north portion of the Property;
- **Map 5-3: Districts Plan** – The Property is within the *East Highland Creek District*;
- **Map 5-4: Land Use Plan** – The Property is designated *Mixed Use Areas*;
- **Map 5-6: Street Network** – The Property is located along a *Planned Street*;
- **Map 5-9: Parks and Open Spaces** – The north portion of the Property is identified as a *Priority Park Expansion*;
- **Map 5-10: Building Setbacks** – A minimum 5-metre building setback is shown for the Property along Progress Avenue and the *Planned Park*, with a 3-metre building setback shown along the *Planned Street*;
- **Map 5-11: Building Heights** – Building heights of 30-44 storeys are shown for the central and south part of the property and 5-14 storey heights are shown for the north part of the Property.

## CONCERNS WITH DRAFT OPA 871 & THE DRAFT SECONDARY PLAN

### Building Heights

Policy 7.5.1 of the Draft Secondary Plan indicates that Map 5-11 will “*guide the built form character for Scarborough Centre*.” The policies under Section 7.5 of the Draft Secondary Plan generally directs for building heights to be tallest within the *Height Peak Areas* (Policy 7.5.2) indicated on Map 5-11 and lower between and outside of the *Height Peak Areas* (Policies 7.5.3 to 7.5.5).

While the policies proposed in the Draft Secondary Plan do include general guidance on the arrangement of heights and their surrounding context, additional clarity is required to affirm that Map 5-11 is intended to provide conceptual guidance and not form part of a restrictive policy which would unduly limit the ability for applicants to propose building heights which differ from Map 5-11 without requiring an Official Plan Amendment.

Further, we submit that Policy 7.5.6 should be revised to be consistent with the established policy framework in other Centres, such as the Yonge-Eglinton Secondary Plan. For example, Policy 7.5.6 could be revised as follows:

7.5.6 *Building heights which differ from lesser in height than the proposed height ranges may be considered in appropriate locations through the development review process.*

### Height Transition and Mid-rise Buildings

The policies contained in the Draft Secondary Plan generally provide for the location of mid-rise buildings adjacent to parks and natural areas, however, this policy direction is not consistently reflected in the recommended building heights on Map 5-11.

Map 5-11 indicates a 5 to 14-storey mid-rise building height on the Property, abutting the *Planned Park* shown on Map 5-9 at the north end of the Property. Conversely, across the street from the

Property, building heights of 30 to 44-storeys are indicated abutting a large, *Planned Park* on the City-owned lands at 705 Progress Avenue.

It is unclear why this policy vision has been more restrictively applied to the Property and not the lands at 705 Progress Avenue. In our opinion, this inconsistency within the Draft Secondary Plan reinforces the need to ensure that the draft policies provide sufficient flexibility to propose building heights which vary from those shown in Map 5-11, where appropriate. The proposed revision to Policy 7.5.6 noted above is one such change to provide for this flexibility.

**Priority Parks Designation**

While the Draft Secondary Plan appears to maintain the Property's existing *Mixed Use Areas* designation, the northern portion of the Property is shown as containing a *Planned Parks/Priority Park Expansion* area on Map 5-2 and is proposed be located within a *Priority Park Expansion* overlay on Map 5-9. In addition, building setbacks to the northern portion of the Property are identified on Map 5-10 of the Draft Secondary Plan, as described in further detail below.

As emphasized in our previous correspondence of May 20, 2022 and June 20, 2023, New-Can objects to the identification or *de facto* re-designation of any part of the Property to *Priority Parks Expansion*, or any other similar open space land use overlay contained in the Draft Secondary Plan.

We submit that the identification of the northern portion of the Property as *Priority Parks Expansion* will only serve to frustrate and preclude a holistic assessment of the potential intensification opportunities for the Property. Any identification of parkland or other open space features on the Property should be evaluated through a site-specific development review process, if and when New-Can elects to proceed with a redevelopment of the Property.

**Building Setbacks**

Map 5-10 of the Draft Secondary Plan indicates minimum building setbacks for lands within the Scarborough Centre Area. Proposed Policy 7.2.1 of the Draft Secondary Plan provides the following in respect of those proposed building setbacks:

*7.2.1 Development will provide minimum setbacks from streets, Parks, Natural Areas, and open spaces as identified on Map 5-10 Building Setbacks. Minor adjustments to the required setbacks may be made without amendment to this plan, where appropriate, provided the adjacent public realm components can be accommodated.*

The building setbacks proposed to be applied to the Property pursuant to Map 5-10 range between 3.0 and 5.0 metres. While the provision for "minor adjustments" to the required setbacks is noted, the current drafting of Policy 7.2.1 risks amounting to a *de facto* road widening. We submit that the following modifications to proposed Policy 7.2.1 would provide the necessary flexibility to ensure good urban design that is site and context-responsive:

*7.2.1 Development is encouraged to will provide minimum setbacks from streets, Parks, Natural Areas, and open spaces as identified on Map 5-10 Building Setbacks. Minor*

*adjustments to the required setbacks may be made without amendment to this plan, where appropriate, provided the adjacent public realm components can be accommodated.*

### Building Separation

Policy 7.6.4 of the Draft Secondary Plan directs that “*the minimum separation between the tower components of tall buildings will be 30 metres within Scarborough Centre to improve sunlight access and sky-view from the pedestrian realm.*” Additionally, proposed Policy 7.6.5 directs that “*The minimum separation between the tower components of tall buildings within the McCowan District will be 25 metres where the greatest intensity of buildings is proposed.*”

These proposed policies are overly restrictive. As drafted, lands outside of the *McCowan District* would require greater building separations than the 25-metre separation distance recommended by the City-wide *Tall Building Guidelines* which apply to developments throughout the City.

We note that the proposed 30-metre building separation distance is also greater than building separation distances in areas not planned for the same level of intensification as Scarborough Centre. It is also the case that City Staff have recommended – and City Council has approved – tower separation distances of less than 25 metres on sites both within and outside of *Centres*, where such distances have been demonstrated to be appropriate.

As drafted, Policies 7.6.4 and 7.6.5 would require an amendment to the City’s Official Plan in order to provide building separation distances which are otherwise consistent with the City-wide *Tall Building Guidelines* and the overall intent of the City’s Official Plan. We submit that additional clarity should be provided to confirm that lesser tower separation distances may be sought without an Official Plan Amendment.

### Shadow Impact

The policies proposed in Section 7.10 of the Draft Secondary Plan respecting shadow impacts on planned parks and open spaces are overly prescriptive and require further clarity as to how they will be implemented. In particular, proposed Policies 7.10.3. to 7.10.5 read as follows:

- 7.36 *Development will achieve a minimum of 5 consecutive hours of sunlight on 75 percent of existing Natural Areas including East Highland Creek and Frank Faubert Woodlot between 9:18 am to 6:18 pm from March 21st to September 21st.*
- 7.37 *Development will achieve a minimum of 5 consecutive hours of sunlight on 75 percent of large Parks greater than 0.8 hectares adjacent to East Highland Creek between 9:18 am to 6:18 pm from March 21st and September 21st*
- 7.38 *Development will achieve a minimum of 3 hours of sunlight on 75 percent of the park area for all new planned parks within Scarborough Centre excluding McCowan District between 9:18 am to 6:18 pm from March 21st to September 21st.*

As drafted, it is unclear how the potential shadow impacts of a site-specific development proposal will be differentiated from the cumulative impacts of all development within the Scarborough

Centre area when assessed against these draft policies. We submit that this lack of clarity could result in a “first past the post” scenario when assessing the potential shadow impacts on a given park.

For example, these policies could be interpreted to require an official plan amendment where a site-specific development proposal casts incremental shadowing onto a park which is already cumulatively shadowed by existing, proposed, and approved buildings to a greater extent than the draft policies permit. We note that the Draft Guidelines do not provide further clarity as to how these policies will be applied.

### Residential Dwelling Mix

With respect to residential dwelling units, proposed Policy 10.2 of the Draft Secondary Plan states:

*10.2 To achieve a balanced mix of residential unit types and sizes, a minimum of 40 percent of new units in developments containing more than 80 new residential units will have two or more bedrooms, including:*

- a) a minimum of 15 percent of the total number of units as two-bedroom units; and*
- b) a minimum of 10 percent of the total number of units as three-bedroom units.*

The City’s desire to achieve a minimum residential dwelling unit mix within new developments of 15% two-bedroom units and 10% 3-bedroom units is well established through the City’s *Growing Up Guidelines*, and is regularly secured through the negotiation and approval of the performance standards within site-specific development zoning by-law amendments. Furthermore, it is common for the City and landowners to come to an agreement through the development review process where the intent of the guidelines is met, despite minor deviations from the numerical unit mix.

As written, the proposed unit mix requirements contained in the Draft Secondary Plan are overly prescriptive and may inhibit a development’s ability to respond to the market demands for residential dwellings within Scarborough Centre.

### Non-Residential Uses

Section 5 of the Draft Secondary Plan seeks to promote, in part, the provision of non-residential floor space to support future employment generating uses. Proposed Policy 5.2.1 of the Draft Secondary Plan reads as follows:

*5.2.1 To support the economic function of the Plan Area:*

- a) development is strongly encouraged to provide a net gain of non-residential gross floor area, that facilitates a broad range of diverse employment opportunities; and*
- b) development resulting in the displacement of businesses and services will generally provide for the replacement of non-residential gross floor area through redevelopment.*

In accordance with the long-term vision of the Draft Secondary Plan, redevelopment within Scarborough Centre will result in displacement of current industrial businesses as those lands transition to mixed-uses. As part of this transition, the types of businesses within mixed use areas – and the spaces they can viably occupy – will differ from the former industrial uses and therefore replacement of all floor area will not be appropriate, nor economically viable, in all development projects. We submit that proposed Policy 5.2.1(b) be modified as follows, to better reflect this dynamic:

*5.2.1 ... b) development resulting in the displacement of businesses and services **are encouraged to support continued on-site employment activities and to will generally** provide for the replacement of non-residential gross floor area through redevelopment, **where appropriate**.*

We further submit that consideration should be given to incorporating language in the Draft Secondary Plan which affirms the continued operations of existing industrial and commercial uses until such time as they redevelop, to ensure that current business may continue to operate and adapt until such lands redevelop with mixed uses.

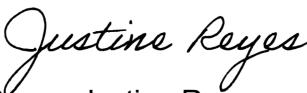
#### **REQUEST FOR DEFERRAL**

In our submission, in its current form, Draft OPA 871 contains a significant number of policies which lack clarity as to their implementation through the development review process, which will ultimately frustrate the delivery of much needed housing and jobs in this area of the City.

Given the above, we request that the Committee defer consideration of Draft OPA 871, inclusive of the Draft Secondary Plan, in order to allow City Staff time to address the matters identified herein with both our client and other stakeholders in the Scarborough Centre area.

Please provide notice of any decisions in this matter to the undersigned and Christopher Tanzola ([ctanzola@overlandllp.ca](mailto:ctanzola@overlandllp.ca)). Please contact the undersigned should you have any questions regarding this correspondence.

Yours truly,  
**Overland LLP**

  
Per: Justine Reyes  
Associate

Encl.

overland

**Appendix “A”**

Overland LLP e-mail to City Staff on May 20, 2022 and correspondence to Scarborough  
Community Council dated June 20, 2023



Outlook

---

## Our Scarborough Centre -- 700 Progress Avenue

---

**From** Christopher Tanzola <ctanzola@overlandllp.ca>

**Date** Fri 2022-05-20 11:30 AM

**To** 'oursc@toronto.ca' <oursc@toronto.ca>

**Cc** 'kelly.dynes@toronto.ca' <kelly.dynes@toronto.ca>; 'sasha.terry@toronto.ca' <sasha.terry@toronto.ca>

### **RE: Our Scarborough Centre**

### **700 Progress Avenue**

We have recently been retained by New-Can Realty Ltd., the owner of 700 Progress Avenue in the City of Toronto (former Scarborough) (the "Site").

Our client has recently learned that a landowners consultation session was held on May 11 at which a new "Concept Plan" was presented as part of the Our Scarborough Centre (Scarborough Centre Review) study. Our understanding is that this new "Concept Plan" depicts the Site as a proposed park. It does not appear that this mapping is publicly available on the City's website.

The Site is currently occupied by an industrial building, and the Official Plan designation for the lands is Mixed Use Areas, where intensified forms of development, including residential development, are anticipated. Previous documents produced in the Our Scarborough study depicted the Site as the location for significant mixed use redevelopment. For example, in the Phase 3 Development Concepts Report, issued only a couple of months ago in March 2022, the Site is depicted with heights in the range of 16-30 storeys under the "Transit Peak Strategy".

There has been no discussion with our client about the potential redesignation of the Site for parkland. Given the previous work in the study released as recently as March 2022 and the existing land use designation for the Site, the idea that the Site would now be identified as a park is without merit and our client wishes to note its objection thereto, and requires an explanation for this apparent, abrupt change in the study.

We reserve the right to make additional comments on the Our Scarborough Study. Please provide us with written notice of all reports, consultations, and consideration of this matter by City Council, Community Council, and any other committees of Council. Our contact information is provided below. Our mailing address is: Overland LLP, 5255 Yonge Street, Suite 1101, Toronto, ON M2N 6P4.

Thank you for your attention to this matter,

Chris

### **Overland LLP**

Christopher J. Tanzola

[ctanzola@overlandllp.ca](mailto:ctanzola@overlandllp.ca)

Main: (416) 730-0337 x. 112

Direct: (416) 730-0645

Fax: (416) 730-9097

Cell: (416) 428-7493

[www.overlandllp.ca](http://www.overlandllp.ca)

**Christopher J. Tanzola**  
Partner  
Direct 416-730-0645  
Cell 416-428-7493  
ctanzola@overlandllp.ca

**Overland LLP**  
5255 Yonge St, Suite 1101  
Toronto, ON M2N 6P4  
Tel 416-730-0337  
overlandllp.ca

**overland**

June 20, 2023

**VIA EMAIL**

Scarborough Community Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ellen Devlin (scc@toronto.ca)**

Dear Sirs/Mesdames:

**RE: Item SC6.13 – Our Scarborough Centre Secondary Plan Study – Proposals Report**

We are the lawyers for New-Can Realty Ltd. (“**New-Can**”), the owner of the property municipally known as 700 Progress Avenue (the “**Property**”). We are writing on behalf of our client to register our concern with the above-noted Proposals Report (the “**Staff Report**”).

We provided comments regarding the Our Scarborough Centre Secondary Plan Study at an earlier phase in the process via email on May 20, 2022, to which we received a response from City Planning Staff.

The concern as set out in our May 2022 correspondence remains after our review of the current Staff Report as well as the references to the Gladki Planning Associates “OurSC Final Consultant’s Report” (the “**Consultant Report**”) that are contained in the Staff Report.

Although the Consultant Report is referenced in the Staff Report, as of the date of this letter, the Consultant Report is not evidently available on the City’s website. Rather, only the Executive Summary is available as an attachment to the Staff Report. Our comments below are based on the material that is currently available for public review, namely the City Staff Report and the Executive Summary of the Consultant Report.

**Parkland Designation Proposed for the Property?**

The Property is currently occupied by an industrial building, and the Official Plan designation for the lands is *Mixed Use Areas*, where intensified forms of development, including residential development, are anticipated.

We note that immediately adjacent to the Property are the lands at 690 Progress Avenue where a multi-phase, multi-tower, high density application with heights originally applied for in the 14-to 48-storey range is under active consideration by the Ontario Land Tribunal. New-Can is a party to that proceeding.

Previous documents issued in the Our Scarborough Secondary Plan Study identified the Property as part of an intensification regime, including a scenario that included the Property in a “Transit Peak Strategy” with heights in the range of 16-30 storeys (Phase 3 Development Concepts Report, March 2022).

However, in mid-2022 and now in the Staff Report and the Executive Summary of the Consultant Report, there is a suggestion that the Property may ultimately be identified through the Secondary Plan process as a park and/or as *Parks and Open Space* on various concept and land use plans. We note:

- In Figure 1.8 of the Executive Summary (“View from the southeast of the demonstration model of preferred development concept”), the Property appears to be landscaped as parkland rather than improved with buildings.
- In Figure 5.2 of the Executive Summary (“Big move in open spaces”), although conceptual, the figure seems to include the whole of the Property in the “Expand[ed] East Highland Creek Parks” system. The bullet points on Page XIII of the Executive Summary note the expansion of the East Highland Creek Park system
- In Figure 5.5 of the Executive Summary (“Street network, with connections, trails and higher order transit”), the Property is shown as *Parks and Open Spaces*.
- In Figure 5.7 of the Executive Summary (“Green loops (dotted lines)”), the Property is shown in the same colour as the previously noted figure, although this figure does not contain a legend.
- In Figure 6.1 of the Executive Summary (“Density per block”), no density is assigned to the Property; rather it is shown as *Parks and Open Spaces*.
- In Figure 6.2 of the Executive Summary (“Maximum heights per block”), and directly contradictory to earlier mapping shown during the study process, the Property is excluded from the “Height Peak” area and not shown with any building height permissions. Again, it is shown as *Parks and Open Spaces*, according to the legend.

Within the City’s Staff Report, only one figure is included – on Page 10, Figure 1: Proposed Structure Plan. This figure shows the Property in green as *Parks*. We do note, however, that this section of the Staff Report is a summary of what is contained in the Consultant Report and does not purport to be a proposal for redesignation of the Property by City Staff at this stage.

In summarizing the Consultant Report, the Report also mentions the expansion of the East Highland Creek Parks system and the potential for “immediate designation of specific lands as parks (page 15), as well as a potential strategic direction to “preserve and expand East Highland Creek corridor … through inclusion of new parks and open spaces where possible.” (page 14).

The Report concludes with a recommendation to invite comments on the draft Secondary Plan policies. At present, there does not appear to be a draft Secondary Plan *per se* to comment on.

We understand that a draft Secondary Plan will be available later this year and that stakeholder consultation will take place in the fourth quarter of 2023.

**New-Can Objects to a Parks Designation of the Property**

On behalf of our client, we wish to make it unequivocally clear and have it taken into consideration through the process of stakeholder consultation, that New-Can entirely objects to the redesignation of all or any part of the Property to a *Parks* or other similar land use designation through this process.

The Property should remain within a *Mixed Use Areas* designation or any similar growth-related designation that permits the range of uses and the intensification opportunities currently applicable to the Property.

The Property should be included within the “height peak” area or any similar area, such as has been previously shown to the public and landowners, with appropriate height and density permissions for the Property to allow for development of the lands in a manner consistent with surrounding lands.

The members of Scarborough Community Council should be very clear when considering the Staff Report and the Consultant Report that New-Can has not been consulted about any change in land use designation and does not consent to any change in land use designation that would impair the developability of the Property. To the contrary, New-Can is currently actively engaged, alongside the City, in the assessment of the development application at 690 Progress Avenue as a means of safeguarding both its current property rights, as well as the future development potential of the Property.

**Request for Notice**

Please continue to provide us with written notice of all reports, committee meetings, community meetings, public meetings with respect to the Our Scarborough Secondary Plan Study. Our address is noted herein. Please include both the author ([ctanzola@overlandllp.ca](mailto:ctanzola@overlandllp.ca)) and Justine Reyes ([jreyes@overlandllp.ca](mailto:jreyes@overlandllp.ca)) on all such notices.

Yours truly,

**Overland LLP**



Per: Christopher J. Tanzola  
Partner  
c. Client