

**TE32.14 - 26 to 36 Mountview Avenue and 21 to 29 Oakmount Road - Official Plan and Zoning By-law Amendment - Appeal Report, Lenka Holubec, Protect NatureTO**

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**RE: TE32.14 - 26 to 36 Mountview Avenue and 21 to 29 Oakmount Road - Official Plan and Zoning By-law Amendment - Appeal Report**

Dear Chair and Committee Members,

Thank you for this opportunity to comment. As a participant of the Local Advisory Committee for BWVA Study (2016 – Dec, 2025, Study [MAP of the Bloor West Avenue Study Area](#)), my focus is on the long term protection of the natural heritage in adjacency of this proposal: High Park's ESA/ANSI/PSW - [The ESAs](#) [The ANSI and PSWs](#).

The crucial importance to ensure protection for this regionally significant natural heritage resulting from impacts (direct, indirect and cumulative) of this development is heightened by the fact that this is the biggest single proposal in the area (in terms of height and added population: 41-storeys and 39-storeys, 145 metres and 138 metres respectively, 873 residential dwelling units), located completely in the adjacency (120m) of High Park's ESA/ANSI and within the watershed of the Grenadier Pond, designated in 2022 as PSW [Grenadier Pond PSW Wetland Complex Catchment basin TRCA March 2022](#).

These comments are to sound the alarm on a critical procedural error. The City has deemed this application 'complete' despite it lacking a mandatory Natural Heritage Impact Study (NHIS), as required by the Provincial Planning Statement (PPS 2024) and the City's own Official Plan (3.4.3 & 3.4.14). Application link: [21-29 Oakmount Rd. & 26-36 Mountview Ave. d=5704821&pid=149118&title=26---36-MOUNTVIEW-AVE-&-21---29-OAKMOUNT-RD](#)

**Issues:**

**Premature Appeal:** Because the City prematurely issued a Notice of Completeness, the proponent has now appealed for 'non-decision' to the Ontario Land Tribunal (OLT). This appeal is based on a 'clock' that should never have started.

**Legal Risk:** The City has placed itself at a strategic disadvantage. It is heading to a tribunal to defend a non-decision on an application that is technically and legally incomplete. The City granted "complete" status prematurely and the proponent has appealed to the Ontario Land Tribunal (OLT) for non-decision. **The City is now heading to a hearing without the foundational ecological evidence needed to defend the park.**

**The "Road Barrier" misconception:** City staff have waived the NHIS requirement with justification that Bloor Street West sits between the property and protected ANSI/ESA of High Park. However, provincial guidelines Natural Heritage Reference Manual and OLT case law are clear: **a road is not a biological barrier.** It does not stop groundwater shifts for PSW, increased human activities disturbance, lights, noise, pollution, shadows, etc. within the 'Area of Influence' on the sensitive High Park Oak Woodland and the ecological function.

**Evidence Gap:** By waiving this study, the City is flying blind. **The planners have no evidence to demonstrate 'no negative impact' on one of Toronto's most significant ecological assets.**

### **ASK to this Community Council to take three immediate actions:**

- **Request a Stay:**  
Direct the City Solicitor to request the OLT to stay the proceedings until the proponent submits a proper NHIS that complies with PPS 2024, NHRM, 2010 - the official guide to PPS, City OP (Chapter 3.4.3) and the 120m provincial standard.

- **Mandatory Peer Review:**  
Ensure that any NHIS submitted is subject to a third-party peer review funded by the proponent specifically focusing on the indirect and cumulative impacts: a potential hydrogeological changes to the watershed water quality quantity, any dewatering - critical for Grenadier Pond, PSW Complex and High Park, how to mitigate increased demands of expanding use by hundreds of additional residents and pets in already heavily stressed park, tower shadows, threat to migratory birds (High Park's designated ecological function emphasis is on providing for migratory birds) the species at risk (turtles), etc.

**Evaluated must be also cumulative impacts of a sum of all proposed or already approved developments in High Park's adjacency.**

**Focus should be on mitigation along recent The ESAs Management Strategy** (potential discontinuation of non-compatible activities in High Park). [IE27.7 - Ravine Strategy 2026 Implementation Update](#) <https://secure.toronto.ca/council/agenda-item.do?item=2026.IE27.7> (motion 7. ...*"including plans to consult with relevant stakeholders and consideration of policies and/or practices to better protect the natural heritage system, including environmentally significant areas"*).

- **If the proponent provides the NHIS directly to the OLT later, the City must insist on a Case Management Conference (CMC) to ensure that City staff and relevant agencies have time to conduct a proper peer review before any hearing dates are set.**
- **This proposal in respect to MTSA/PMTSA's [Official Plan: Chapter 8 Major Transit Station Areas & Protected Major Transit Station Areas](#) is a subject to modifications provided in [Chapter 8](#) under POLICIES THAT APPLY TO ALL DELINEATED MAJOR TRANSIT STATION AREAS AND PROTECTED MAJOR TRANSIT STATION AREAS into the Official Plan, specifically:**

**4) Policies relating to matters of health, safety, accessibility, sustainable design, protection of the natural environment, watershed and water resource systems, and the protection of adjoining lands are prioritized over any other development criteria policies”**

- **Conduct a formal Inquiry:** Why the 120m 'adjacent lands' requirement was ignored in favor of an arbitrary 'road barrier' interpretation? This proposal is among 3 recent proposals in Ward 4 in adjacency of High Park’s ESA/ANSI or Grenadier Pond, PSW Complex where NHIS was waived with a complete application status.

## Explanation

[26 to 36 Mountview Avenue and 21 to 29 Oakmount Road – Official Plan and Zoning By-law Amendment – Appeal Report](#)

### “Natural Heritage

***The proposed development is located approximately 120 metres north of the High Park Environmentally Significant Area (ESA) and High Park Oaklands Area of Natural and Scientific Interest (ANSI) (Official Plan Maps 12A and 12B).***

***Due to the physical separation and urban/disturbed lands between High Park and the development site, staff and the City's ecological consultant determined that the policies could be evaluated without requiring a Natural Heritage Impact Study (NHIS).”***

The Development Review planners decision also disregarded [Natural Heritage Impact Study, Bloor West Village Avenue Study, March 2018, Dougans & Associates](#), that was executed in consistency with the relevant protection policies adopted into the city OP in 2015 when deeming the application [the 26 - 36 MOUNTVIEW AVE & 21 - 29 OAKMOUNT RD](#) complete in the absence of the OP mandated Natural Heritage Impact Study [Natural Heritage Impact Study](#) (when required).

To illustrate Impact approach on natural heritage features and ecological function of High Park’s ANSI/ESA this map was produced by Dougans & Associates [BWVA NH Impact Approach 200m High Park catchment](#). It shows the Province recommended 120m distance and 400m, as the municipality can go beyond recommended adjacency distance but not below, since PPS “**Policies Represent Minimum Standards**”.

### On adjacency

This site is directly adjacent to High Park, a designated Provincially Significant ANSI and Environmentally Significant Area (ESA). Under the Natural Heritage Reference Manual (NHRM), *'adjacent lands'* are defined as those within 120 metres of such a feature. The Natural Heritage Reference Manual (NHRM), 2010 confirms that development on "adjacent lands" must be evaluated regardless of physical separations like roads, primarily in 4.4 Adjacent Lands on pg. 41 and on see here: [NHRM, 2010](#)

**4.4 pg. 41** The Manual refers to the Provincial Planning Statement (PPS2024) definition, which defines adjacent lands as those *"contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact."* **Technical guidance throughout the manual interprets "contiguous" in an ecological sense, meaning a road does not "sever" adjacency** for the purpose of triggering an Environmental Impact Study (EIS).

**4.4 Table 4-2 (Page 42):** This table lists the recommended adjacent land widths (e.g., 120 metres for Significant Wetlands and Life Science ANSIs). Any proposal within these distances is "adjacent" by default, and the manual does not provide an exemption for intervening roads.

Adjacency is typically defined by a set distance (e.g., 120 metres for significant wetlands or woodlands). If the proposal is within this buffer, it is "adjacent" even if a municipal road or highway lies in between.

**Ecological Function: The core requirement for adjacent development is demonstrating that there will be no negative impacts on the natural feature or its ecological functions. A road might act as a partial physical barrier, but it does not stop impacts like noise, light, dust, or changes to groundwater flow or increased human and pets activities.**

In Conclusion

High Park is the 'jewel' of our park system. We cannot allow administrative shortcuts to bypass the environmental protections meant to preserve it for future generations.

Please, do not let this proceed at the OLT until the technical record is actually complete.

Yours sincerely,

Lenka Holubec on behalf of [ProtectNatureTO](#) , member of [HighParkNature](#)

References:

1.

[PH28.2 - 21 Windermere Avenue \(1-154 Swansea Mews\) - Toronto Builds - Official Plan and Zoning By-law Amendment Application - Decision Report - Approval](#)

(February 26, 2026) Letter from Lenka Holubec (PH.New)

<https://www.toronto.ca/legdocs/mmis/2026/ph/comm/communicationfile-205593.pdf>

**Objection to adoption of the recommendation of staff Report to approve of the Toronto Builds application to amend the Official Plan and Zoning By-law** to permit two mixed use buildings of 35 and 20 storeys with 649 residential units, including 154 rent-gearred-to-income rental replacement units to be built at 21 Windermere Avenue (1-154 Swansea Mews) Toronto Builds: 21 Windermere Avenue (1-154 Swansea Mews) – Official Plan and Zoning By-law Amendment Application – Decision Report – Approval

And

**Request for Deferral - not to proceed with this application until the Toronto Builds (proponent) fulfills the legal obligation to provide Natural Heritage Impact Study**, in accordance with provincial standards, to demonstrate there will be no negative impacts on the Grenadier Pond Complex, Provincially Significant Wetland, its natural features or on their ecological functions or any risk of degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions resulting from a proposed development at 21 Windermere Avenue (1-154 Swansea Mews)."

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2.

[IE27.7 - Ravine Strategy 2026 Implementation Update](#)

(March 25, 2026) Letter from Lenka Holubec on behalf of ProtectNatureTO (CC.New)

<https://www.toronto.ca/legdocs/mmis/2026/cc/comm/communicationfile-206577.pdf>

**Summary of critical reasons for having Natural Heritage Impact Study done in conformity with city OP and PPS 2024 with Complete Application.**

**Why is it too late to provide NHIS at the SPA stage or after the Official Plan Amendment/Zoning has taken place.**

- **Inability to Demonstrate "No Negative Impact":** Provincial policy requires that development demonstrate no negative impact on natural heritage features and their ecological functions. Waiting until the SPA means the principle of development has already been accepted before the necessary scientific assessment has proven the site can actually support that use without environmental degradation. Requirement to prove - demonstrate no negative impacts on natural features and ecological function resulting from a proposal is the crux of protection policies mandated in PPS 2024:

The City OP mandates Study for all proposals in adjacency to protected natural heritage, the ESA, the ANSI and the PSW.

Chapter 3.4 The Natural Environment Policies 3.4.14; 3.4.15 are high level policies adopted into city OP to conform to PPS 2014 under section 3 of the Planning Act. PPS 2024 has not changed these policies.

- **Fixed Development Limits:** By the SPA stage, the "limits of development" (lot lines, building footprints, and road networks) are typically already established through earlier Zoning By-law Amendments or Draft Plans of Subdivision. If an NHIS later reveals a need for larger protective buffers or identifies a significant feature (e.g., habitat for Species at Risk), the project may require a costly and time-consuming redesign or an amendment to already approved zoning.

- **Lost Mitigation Opportunities:** Early-stage studies allow for avoidance—the most effective form of mitigation—by shifting development away from sensitive areas. At the SPA stage, the focus shifts from avoidance to minimization or technical offsetting, which is often less effective and more difficult to implement.

- **Compromised Complete Application Requirements:** Toronto Official Plan as many Ontario municipalities include an NHIS as a requirement for a complete application at the Official Plan or Zoning amendment stage. Providing it later can lead to significant procedural delays and legal risks if the application is challenged at the Ontario Land Tribunal.

- **Design Inefficiencies:** Site Plan Control is intended for technical details like grading, drainage, and landscaping.

If basic environmental constraints are not known until this stage, infrastructure (like storm water ponds) may be incorrectly sized or located, leading to conflicting municipal feedback and high re-submission rates.

Additionally to inability to demonstrate no negative impacts, lost mitigation opportunities and compromised complete application requirement, the absence of a Natural Heritage Impact Study (NHIS) or Environmental Impact Study (EIS) at the "complete application" stage in Ontario significantly hinders public and third-party participation by delaying the review of environmental impacts until later, less transparent stages of the planning process.

**Resulting Impact on Participation and Process transparency is very significant.**

**1. Reduced Transparency**

If an NHIS (or EIS) is not included in the initial submission, the public cannot review, critique, or provide informed feedback on whether the proposed development will result in "no negative impacts" on natural heritage features, as required by the Provincial Policy Statement.

**2. Reduced Scope for Influence**

The purpose of the NHIS is to inform design by identifying constraints early. Without it, public input may only be possible after the design is finalized, reducing the opportunity to shape the development or protect features.

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3.

[TE27.29 - Bloor West Village Avenue Study - Urban Design Guidelines - Final Report](#)

(November 27, 2025) Letter from Lenka Holubec (TE.Supp)

<https://www.toronto.ca/legdocs/mmis/2025/te/comm/communicationfile-198216.pdf>

"In September 2015, the City Council adopted [Official Plan Five Year Review: Final Recommendation Report - Amendments to the Official Plan Environmental Policies and Designation of Environmentally Significant Areas](#)

[OPA 262](#) was approved by the Province in May 2016. The OPA is in full force and effect.

*"ii) Section 3.4 The Natural Environment*

***Revisions are made to the text of section 3.4 The Natural Environment to emphasize that the City's natural heritage system is significant both within and beyond Toronto and requires long term protection."***

***"Policies 3.4.13 and 3.4.14 are refined to provide further direction on the protection and management of locally and provincially significant areas"***

***"Policy 3.4.14 is amended to make it consistent with the 2014 PPS"***