

TE34.8 - 1730 Bloor Street West - Zoning By-law Amendment - Decision Report – Approval, Lenka Holubec, Protect NatureTO

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July 8, 2026,

VIA Email: teycc@toronto.ca

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RE: TE34.8 - 1730 Bloor Street West - Zoning By-law Amendment - Decision Report – Approval, Lenka Holubec, Protect NatureTO

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](#)), I am aware of the goals of this Study being a compatible intensification along Bloor St. West corridor between Keele and Jane St. and the long-term protection of the natural heritage in adjacency of this Study.

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).

Although this proposal at 1730 Bloor Street West, was not included in the Study, it is located fully within 120m from High Park ANSI/ ESA, the distance set by the provincial policy (PPS 2024 and the official guide Natural Heritage Reference Manual) as adopted into City OP: [OPA 262](#) was approved by the Province in May 2016. The OPA is in full force and effect.

[BWVA_NH Impact Approach_200m High Park catchment](#)

- **Objection to adoption of this report recommending approval of the application to amend the Zoning By-law to permit a 25 storey mixed-use building at 1730 Bloor Street West.**

4.1 Natural Heritage

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

1. Planning authorities shall protect, improve or restore the quality and quantity of water by:

and

3.4.14 ***"An impact study, as referred to in policy 12, will be required for any proposed development adjacent to these areas. Any proposed development will avoid these areas, minimize negative impacts and, when possible, restore and enhance the ecological functions attributed to these areas."***

3.4.15 development on the lands adjacent to the ESA/ANSI/PSWs will be permitted only if it has been demonstrated, through a study, that there will be no negative impacts on the natural features or the ecological functions for which the area is identified

ASK to this Community Council:

- **Request for Deferral - not to proceed with this application until the proponent fulfils the legal obligation to provide Natural Heritage Impact Study**, in accordance with provincial standards, to demonstrate there will be no negative impacts direct, indirect and cumulative on the adjacent natural heritage in High Park, the ANSI/ESA and the watershed of the Grenadier Pond Complex, Provincially Significant Wetland, the natural features or on their ecological functions via increased use 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 1730 Bloor Street West.
- **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.**

The City also misses on a full implementation of PPS 2024 in respect to cumulative impacts:

Negative impacts: means pg.48

a) in regard to policy 3.6.4 and 3.6.5, potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, **due to single, multiple or successive development. (cumulative impacts). Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards.**

- **The Cumulative Impact Blindspot**

Evaluating of applications on a **site-by-site basis**, creates a severe systemic loophole. If three or four adjacent properties along protected ESAs are individually rezoned over time, it creates a continuous "wall of buildings". The cumulative loss of the tree canopy, microclimate cooling, and biodiversity functions is never comprehensively factored into a single developer's application.

- **This proposal, in respect to MTSA/PMTSA's, ignores [Official Plan: Chapter 8 Major Transit Station Areas & Protected Major Transit Station Areas](#) is a subject to modifications provided in [Chapter 8](#) in respect to: *"the natural environment, watershed and water resource systems, and the protection of adjoining lands are prioritized over any other development criteria policies"***

These POLICIES 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”

Explanation:

- **The "Road Barrier" misconception:** City staff have waived the NHIS requirement for this proposal with justification along another proposal along Bloor St. West located across of High Park's ANSI/ESA, 26 to 36 Mountview Avenue and 21 to 29 Oakmount.

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 planners have no evidence to demonstrate 'no negative impact' on one of Toronto's most significant ecological assets.**
- **Bill 98 implications:** Stripping Environmental Powers from Site Plan Control (SPA) make it imperative to provide NHIS according to the provincial standards to deal with potential impacts including direct, indirect and cumulative impacts prior to adopting the Zoning By-law. Bill 98 intends to amend the Planning Act and the City of Toronto Act, 2006 to explicitly remove "sustainable design" and environmental/conservation construction standards from the Site Plan Control process. It explicitly clarifies that these environmental elements cannot be regulated via SPA.
- **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"*).

In conclusion

Despite recent legislative shifts from the Province, the Official Plan remains a legal document. If City staff are ignoring Policy 3.4.14/15, they are technically in non-conformity with their own Council-adopted policies.

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.

Yours sincerely,

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

References:

1. [PH31.12 - Overview of Bill 98 Implications with Respect to Planning Matters](#)

(June 11, 2026) Letter from Lenka Holubec, ProtectNatureTO (PH.New)

<https://www.toronto.ca/legdocs/mmis/2026/ph/comm/communicationfile-214006.pdf>

“Stripping Environmental Powers from Site Plan Control (SPA).

The Law: Bill 98 amends the Planning Act and the City of Toronto Act, 2006 to explicitly remove "sustainable design" and environmental/conservation construction standards from the Site Plan Control process. It explicitly clarifies that these environmental elements cannot be regulated via SPA.”

2. [TE32.14 - 26 to 36 Mountview Avenue and 21 to 29 Oakmount Road - Official Plan and Zoning By-law Amendment - Appeal Report](#)

(April 29, 2026) Letter from Lenka Holubec, on behalf of ProtectNatureTO (TE.New)

<https://www.toronto.ca/legdocs/mmis/2026/te/comm/communicationfile-210615.pdf>

“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.”**

3. [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-geared-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)."

4, [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 proof - 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 proposed development. 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.
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6. [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"

On adjacency

This site is 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.