

July 8, 2026

VIA EMAIL - teycc@toronto.ca

Our File No. 135257

Toronto and East York Community Council
City Clerk's Office
Toronto City Hall
100 Queen Street West
2nd Floor, West Tower
Toronto ON M5H 2N2

Dear Members of Toronto and East York Community Council:

**Re: Agenda Item TE34.49 - 65 Ookwemin Street - Zoning By-law Amendment -
Decision Report – Approval
Landowner Response to July 7, 2026 Communication from Toronto Port Authority**

Aird & Berlis LLP is counsel to 2034055 Ontario Limited and 337194 Ontario Inc., the "Owners" of the lands municipally known as 65 Ookwemin Street, formerly 309 Cherry Street (the "Lands"). We write in response to the July 7, 2026 letter submitted by the Toronto Port Authority ("TPA") requesting that a new 24 metre height limit be added to the site-specific zoning of the Lands as part of the above-noted zoning by-law amendment.

The Owners do not agree with the proposed imposition of a 24 metre height limit on the Lands and respectfully ask that Community Council refuse the TPA's request.

The zoning by-law amendment now before Community Council is a narrow amendment to permit non-residential 'meanwhile' uses prior to mixed-use residential development. The Community Planning Report recommending approval of this amendment expressly advises that the application does not amend existing or future height, density or built form permissions and is intended solely to permit 'meanwhile' non-residential uses on the Lands.

The in-force I3 zoning applicable to the Lands does not prescribe a site-specific height limit. As noted in the Community Planning Report, *"While the in-force zoning does not provide height limits, the non-residential floor area of any building on the site cannot be more than two times the lot area, limiting gross floor area and therefore also height."*

The introduction of a new 24 metre height restriction would accordingly represent a substantive built-form amendment that has not been evaluated through the current application. The request is well outside the scope of the proposed amendment and would materially alter the existing zoning framework for the Lands in a manner that has not been studied or justified.

In terms of justification, the TPA has provided no technical analysis, planning rationale, or regulatory basis for the requested 24 metre height limit. The TPA's letter confirms that the TPA has no concern with the proposed addition of the 'meanwhile' uses that are supported by Community Planning. Having identified no objection to the amendments that are actually before Council, the TPA's letter amounts to a request that Council impose a new built-form restriction through a zoning amendment that is not otherwise concerned with height, density or built form.

As an example of the danger posed by the TPA's height limit request, the Lands currently facilitate a major tenant that supplies, stores, tests and maintains booms for the film and television production industry. The tenant's boom equipment can well exceed 24 metre in height - in some cases by more than double. In addition to the major tenant's activities, the Lands are often used for film and television production shoots, which regularly deploy booms that exceed 24 metres. The TPA's request makes no mention of any research or assessment undertaken by the TPA with respect to the potential impact on the current lawful use of the Lands (or similar lands within the surrounding area) if a 24 metre height limit is imposed.

In these circumstances, there is no basis for Community Council to amend staff's draft zoning by-law amendment to add the height limit requested by the TPA. The requested 24 metre height restriction is unsupported, unnecessary for the 'meanwhile' use permissions before Council, and inconsistent with the limited purpose of the application now under consideration. We therefore respectfully request that Community Council recommend approval of the zoning by-law amendment as drafted by staff and refuse TPA's request to add a new 24 metre height limit to the Lands.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington
Partner

cc: S. Tomasella, Partner, Aird & Berlis LLP
Client

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