

September 16, 2025

File No.: 570803-7

Sent Via E-Mail

Richmond Hill City Council
225 East Beaver Creek
Richmond Hill, ON L4B 3P4

Attention: Mr. Stephen Huycke, City Clerk

Dear Members of Council:

**Re: City of Richmond Hill Comprehensive Zoning By-law Update
City File No. MZBA-23-0001 and MZBA-25-0001
Comments submitted on behalf of DIV (Beaver Creek) Limited in respect of 95 Mural
Street, 30 Leek Crescent, and 38 Leek Crescent**

We are counsel to DIV (Beaver Creek) Limited ("**Dorsay**"), the registered owner of the lands municipally known as 95 Mural Street, 30 Leek Crescent, and 38 Leek Crescent and legally described in PINs 03125-0021 (LT), 03125-0290 (LT), 03125-0283 (LT), and 03125-0208 (LT) (collectively, the "**Dorsay Lands**"), in the City of Richmond Hill (the "**City**").

We are writing on behalf of Dorsay to provide comments on the most recent draft of the City's new Comprehensive Zoning By-law 93-25 (the "**CZBL**"), which we understand will be considered by the Committee of the Whole at the Meeting scheduled for September 17, 2025, and by City Council for approval at the Council Meeting on September 24, 2025.

Dorsay is concerned with the proposed zoning for the Dorsay Lands in the CZBL, which effectively renders the existing uses "legal non-conforming" and "down-zones" the Dorsay Lands by removing all permissions for office and commercial uses. This approach conflicts with the Province's revisions to the definitions of "area of employment" and "employment area" in the *Planning Act* and the Provincial Planning Statement, 2024, respectively, which were intended to prohibit stand-alone offices in such areas following an assessment by the municipality of the appropriateness of its employment lands. We recognize that the City needs to complete this more comprehensive assessment, but it is wholly inappropriate to change the zoning permissions for the Dorsay Lands in the interim. Dorsay therefore asks the City to revise the zoning for the Dorsay Lands such that a broader range of office and commercial uses are permitted or that the Dorsay Lands are removed from the City's "Employment Area".

The Dorsay Lands

The Dorsay Lands, which are depicted in the aerial photograph attached as **Appendix "1"**, are in the northeast quadrant of the Beaver Creek Business Park, which is 250 ha (614 acres) in area, and which is

generally bounded by Highway 404 to the west, Highway 7 to the south, West Beaver Creek Road to the east, and 16th Avenue to the north.

The Dorsay Lands have the following site areas and existing uses:

| Site | Site Area | Existing Use/Structures |
|------------------|----------------------|--------------------------|
| 95 Mural Street | 1.38 ha (3.41 acres) | 6-storey Office Building |
| 30 Leek Crescent | 1.69 ha (4.18 acres) | 4-storey Office Building |
| 38 Leek Crescent | 1.89 ha (4.67 acres) | 4-storey Office Building |

To the north of the Dorsay Lands, on the north side of 16th Avenue is the Headford Business Park, which is a 175 ha (433 acre) business park bounded by Major Mackenzie Drive to the north, Highway 404 to the east, 16th Avenue to the south, and Leslie Street to the west. On the north side of 16th Avenue there is an office building (45 Vogell Road), a vacant parcel of land, and several personal service shops and commercial uses (i.e., restaurants). Manufacturing, logistics, and warehousing uses are located further north within the Headford Business Park along Brodie Drive and Vogell Road.

To the west of the Dorsay Lands are office buildings along 16th Avenue with light industrial, warehousing, and commercial uses along Leslie Street. A low-rise residential neighbourhood is located approximately 500 m northwest of the Dorsay Lands along 16th Avenue on the north side, west of Leslie Street.

To the east of the Dorsay Lands is Highway 404, with the Buttonville Municipal Airport (which closed on November 30, 2023) located on the east side of Highway 404.

To the south of the Dorsay Lands are several warehouse, manufacturing, and logistics uses with surface parking areas. Additional warehousing, commercial, and light industrial uses are located south of Beaver Creek.

Concerns and Opposition to the Zoning of the Dorsay Lands in the CZBL

The Dorsay Lands are currently designated “Employment Area” in the City’s Official Plan and zoned “High Performance Commercial Industrial (MC-1)” under Zoning By-law 150-80, as amended, subject to certain exceptions and site-specific zoning by-laws. The in-effect zoning permits, among other things, business and professional offices, banks and financial establishments, and restaurants and taverns on the Dorsay Lands (in addition to manufacturing and warehousing uses). The CZBL proposes to re-zone the Dorsay Lands to “Employment Areas”, which only permits “Manufacturing”, “Assembly of Manufactured Goods and Materials”, “Public Authority”, “Warehouse”, and “Private Utility”.

Dorsay is opposed to the proposed zoning for the Dorsay Lands on the basis that it (1) is not consistent with the Provincial Planning Statement, 2024 (“PPS”), (2) does not conform to the City’s Official Plan, (3) makes the existing uses on the Dorsay Lands “legal non-conforming”, and (4) does not constitute good land use planning, as it effectively prevents modest, interim, or contextually appropriate redevelopment on the Dorsay Lands.

In 2024, the Provincial Government amended the definitions of “area of employment” and “employment area” in the *Planning Act* and the PPS, respectively. The revised definitions provide that an “area of employment”/“employment area” is an area of land designated in an official plan for clusters of business and economic uses, and which does not include institutional or commercial uses, including retail and office uses which are not ancillary to manufacturing, research and development, or warehouse uses.

We understand that the land use permissions for “Employment Areas” in the CZBL are intended to reflect the new definition of “area of employment”/“employment area” in the *Planning Act*/PPS, respectively. The land use permissions in the CZBL do not, however, conform to the City’s Official Plan, which provides that office uses “shall be permitted” within the Employment Area designation and which further permits various commercial uses in the Employment Area designation. The CZBL, in prohibiting office and commercial uses on the Dorsay Lands, does not conform to the City’s Official Plan in its current form and is therefore unlawful. Further, the Employment Area defined by the City’s Official Plan does not constitute an “employment area”/“area of employment”, as those terms are used in the *Planning Act*/PPS, respectively, given that it continues to permit uses which are now prohibited in such areas, pursuant to the new definitions.

In addition to the issues of conformity noted above, the CZBL introduces significant uncertainty regarding the land use planning status and function of the Dorsay Lands. First, the proposed zoning makes the existing uses on the Dorsay Lands “legal non-conforming”, given the removal of permissions for office and other commercial uses – this will make modest and interim redevelopment difficult, and will undermine the functioning of a business park that supports the local and regional economy. Second, Official Plan Amendment No. 61 (“**OPA 61**”), which was approved by the City on April 9, 2025, adds an additional layer of uncertainty when considered in conjunction with the CZBL. OPA 61 provides that uses which are not permitted in “areas of employment”/“employment areas” continue to be permitted in the City’s “Employment Areas”, provided they were lawfully established as of October 20, 2024. Accordingly, Dorsay anticipates that the City will take the position that interim or modest redevelopment which seeks to protect or expand upon the existing uses on the Dorsay Lands are prohibited in the absence of an employment conversion, given that such development had not been “lawfully established” as of October 20, 2024. Again, this effectively “freezes” the land use planning status of the Dorsay Lands and will make modest and interim redevelopment difficult.

Most importantly, the zoning of the Dorsay Lands in the CZBL is wholly inconsistent with the Provincial direction contained in the PPS 2024. In revising the definition of “areas of employment”/“employment areas”, the Province intended to enhance the developability of lands that contain uses which are excluded from the new definition, such as the Dorsay Lands, which are only occupied by office uses. Contrary to the Province’s intention, the CZBL (and OPA 61) will make it significantly more difficult to redevelop the Dorsay Lands, even on a moderate or interim basis, by scoping the permitted uses to exclusively those that were “lawfully established” as of October 20, 2024. This approach contradicts the PPS, which directs municipalities to assess the appropriateness of their employment lands and ensure those lands are appropriate for the planned function of employment areas (Policy 2.8.2.4). To satisfy the Province’s direction, the City should have conducted site-specific assessments to identify the specific lands and areas in the City where the “employment area” designation should be maintained and subsequently engaged in corresponding updates to the CZBL. The Dorsay Lands should be removed from the Employment Area.

On the basis of the foregoing, Dorsay respectfully urges the City to take the following action:

1. The City should revise the zoning for the Dorsay Lands in the CZBL to remove the lands from the “Employment Area” zone and place them within a zone that reflects the existing uses and planned function of the Dorsay Lands, and which permits both commercial and office uses. The City should simultaneously adopt any necessary amendments to its Official Plan which may be required to facilitate the above.
2. In the alternative, the City should remove the Dorsay Lands from the application of the CZBL until it has completed its assessment of the City’s “Employment Areas”, as required by the PPS, and adopted corresponding Official Plan policies. Once that process is complete, the Dorsay Lands can be included in the CZBL, with appropriate land use permissions.

If the City does not take the steps set out above, Dorsay will have no choice but to appeal the approval of the CZBL to the Ontario Land Tribunal to protect the existing and planned function of the Dorsay Lands.

We would be happy to meet with City Staff to discuss the concerns outlined in this letter and how they may be resolved. Please do not hesitate to contact us if you have any questions or require anything further.

Yours truly,

Dentons Canada LLP



Per: Katarzyna Siwa
Partner

KS/mr

Appendix "1"

Aerial Photograph

