

November 7, 2025

via Online Submission

Hon. Rob Flack
Minister of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
Priority Projects
777 Bay Street, 12th Floor
Toronto, ON M7A 2J3

**Re: Environmental Registry of Ontario (“ERO”) Posting No.: 2025-1108
Request for Minister’s Zoning Order (“MZO Request”) to Restrict Building
Heights at 1875 Steeles Avenue West to Protect a Biomanufacturing
Campus at 1755 Steeles Avenue West in the City of Toronto**

First Capital REIT (“First Capital”), through our subsidiary Dufferin & Steeles Corporation, owns the property municipally known as 1881 Steeles Avenue West (the “First Capital Lands”).

The First Capital Lands are located immediately adjacent to 1875 Steeles Avenue West (the “Tenblock Lands”), the latter of which is subject to a Zoning By-law amendment application by Tenblock Management Inc. (“Tenblock”) to redevelop its property with three new residential apartment buildings, creating approximately 960 new rental dwelling units. The Tenblock Lands are subject to the above-noted request for an MZO by the Minister of Economic Development, Job Creation and Trade (“MEDJCT”).

Both the Tenblock Lands and the First Capital Lands are situated to the west of the Sanofi Pasteur biomanufacturing campus at 1755 Steeles Avenue West, and are physically separated by the West Don River ravine.

Summary of First Capital’s Position

We have reviewed ERO posting 025-1108 (the “MZO Request”) and we offer the following input on whether the MZO Request for the Tenblock Lands should be approved. We hope it will help inform the Minister’s decision-making. In summary, it is our position that:

- 1. The Minister of Municipal Affairs & Housing (“MMAH”) should reject to the MZO Request by MEDJCT to restrict building heights on the Tenblock Lands; and,**

2. This matter should be referred to the Office of the Provincial Land and Development Facilitator (“OPLDF”) to allow for a transparent and evidence-based resolution.

First Capital objects to MEDJCT’s request to use an MZO to arbitrarily restrict building heights on the Tenblock Lands to 33 metres. To date, we are unaware of any supporting material prepared by Sanofi Pasteur or its experts that either justifies the requested 33 metre height or refutes the heights proposed by Tenblock. In our view, the MZO Request represents poor planning and poor process, and is not in keeping with the Province’s MZO Framework. In short, the MZO Request is inconsistent with the Province’s commitments to transparency in land use planning matters.

The use of an MZO to intervene at this late stage in an active public planning process that has been underway for more than five (5) years is an extraordinary regulatory remedy to a common land use planning matter. This is particularly so in this case given the benefitting party has rebuffed efforts to meaningfully engage in the public planning process to resolve concerns related to alleged impacts of the mixed-use development projects adjacent to the Sanofi Pasteur lands.

Issues arising from land use compatibility between industrial uses and more sensitive uses is commonplace and is usually resolved through the public planning process. An MZO is an unnecessary remedy. Therefore, First Capital supports the request made by Tenblock to refer this matter to the Office of the Provincial Land and Development Facilitator (“OPLDF”) to allow for a mediated, evidence-based resolution.

About First Capital

Established in 1994, First Capital is a Canadian public real estate company that specializes in developing, owning, and operating open-air community shopping centres in densely populated urban neighbourhoods across Canada. First Capital currently has approximately 21.9 million square feet of leasable area and assets valued at over \$9 billion across the country. Our portfolio is primarily located in Canada’s largest and fastest-growing cities, with a significant concentration in the Greater Toronto and Greater Ottawa areas.

First Capital is currently engaged in the selective development and redevelopment projects of its urban properties into mixed-use communities with greater densities. In Ontario, First Capital is actively advancing multiple planning applications on its various properties in its pursuit to unlock additional residential density. Currently, First Capital is constructing 934 purpose-built residential rental units in Ontario.

First Capital's Interest in this Matter

The First Capital Lands at 1881 Steeles Avenue West were identified by the company as being an appropriate candidate for redevelopment as a mixed-use centre given its location, transit access, and existing land use permissions in the City of Toronto's Official Plan that allows for the introduction of residential uses.

As a result, First Capital decided to invest several million dollars into the property through its submission of a Zoning By-law amendment application in December 2019 to permit the replacement of the existing retail/office plaza with two midrise buildings and two towers comprising approximately 1,100 residential dwelling units, as well as a new public road and new public park. Over the last six (6) years, our application has undergone a rigorous review process by the City of Toronto and, in certain instances, by its peer reviewers as it relates to potential impacts to the Sanofi Pasteur biomanufacturing campus. We anticipate that City staff will soon report to North York Community Council, with City Council making a decision shortly thereafter.

First Capital has made considerable investments in Ontario over the last 30 years. Underpinning this conviction is a confidence in Ontario's land use planning system, which is transparent, evidence-based, and guided by a robust policy framework. However, this unexpected use of an MZO to arbitrarily restrict the development potential of the Tenblock Lands at this late stage in the planning process, with no apparent supporting material, undermines that confidence. Naturally, we are concerned that a similar MZO will be imposed on the First Capital Lands in the future once a Council decision is made.

Throughout the application review process, First Capital's experience with Sanofi Pasteur has been consistent with that of Tenblock. Sanofi Pasteur has remained secretive and uncooperative. For instance, they have never approached First Capital on their own accord. By contrast, First Capital has made several attempts to engage Sanofi Pasteur to better understand the particulars of their concerns, especially the alleged impacts of mixed-use development on the Sanofi Pasteur lands. We have also expressed a willingness to look at revising our proposal to resolve or mitigate the alleged impacts. Regrettably, our efforts have been consistently rebuffed.

For these reasons, First Capital supports the request of Tenblock that the Minister not grant the MZO Request and instead refer the matter to the OPLDF to allow for a transparent and evidence-based resolution.

We appreciate your consideration and would be pleased to discuss this matter further. Should you have any questions, please do not hesitate to contact the undersigned at 416-216-4279.

Yours truly,
Joshua Butcher



Senior Director, Development
First Capital REIT for Dufferin & Steeles Corporation

*cc: Minister Vic Fedeli, Minister of Economic Development, Job Creation and Trade
Robert Dodd, Office of the Minister of Municipal Affairs and Housing, Chief of Staff
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