



SMARTCENTRES[®]
REAL ESTATE INVESTMENT TRUST

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February 28, 2025

Sent By Electronic Mail

Mayor and Members of Council
City of Oshawa
50 Centre St. S.
Oshawa, ON L1H 3Z7

Dear Mayor and Members of Council:

RE: ED-25-30 - City-initiated Amendments to the Oshawa Official Plan and Zoning By-law 60-94 to Implement Protected Major Transit Station Areas (All Wards)

On behalf of Calloway REIT (Oshawa South) Inc. and SmartREIT (Oshawa South II) Inc.,(the “Owners”), thank you for the opportunity to provide our comments on the proposed amendments, particularly regarding the Thornton’s Corners Protected Major Transit Station Areas (PMTSA). SmartCentres REIT is a leading owner and operator of high-quality open air format shopping centres across the **GTHA and Canada**, including three centres in **Oshawa**:

- **SmartCentres Oshawa South** is located on the northwest corner of Highway 401 and Stevenson Rd S at 680 Laval Dr;
- **SmartCentres Oshawa North** is located on the northeast corner of Harmony Rd N and Taunton Rd E at 1385 Harmony Rd N; and
- **SmartCentres Oshawa North II** positioned on the southeast corner of Harmony Rd N and Taunton Rd E at 991 Taunton Rd E.

These shopping centres provide value-oriented shopping with major retail tenants such as **Walmart, Loblaws, Lowe’s, Sail, Winners, Michaels**, and many other leading brands—offering the community convenient access to best-in-class shopping for their everyday needs.

After reviewing the proposed city-initiated OPA and ZBA amendments for the Thornton’s Corners PMTSA and our Oshawa South shopping centre, we are **concerned about the adverse impacts that the amendments could have on all non-residential development, specifically retail and commercial development uses within our SmartCentres Oshawa South shopping centre.**

While we recognize the need for higher-order transit, residential growth, and a balanced mix of uses, retail remains a fundamental pillar of both our company and the Oshawa community. As these amendments advance through community consultation, we urge careful consideration of policies that may **unintentionally restrict or limit our ability to build out the SmartCentres Oshawa South shopping center to meet Oshawa market needs.**



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GO Transit Station Funding – Holding Provisions

We note that with respect to the proposed structure of the zoning by-law, a holding symbol has been proposed which assumes that the Region of Durham has passed a by-law under the *GO Transit Station Funding Act, 2023*. While this Act has been passed, no municipality can pass a by-law until regulations under the Act are enacted by the Minister of Infrastructure. By-laws cannot be passed until a municipality has been prescribed in a regulation, and no regulations are yet in force. The Act also allows the Minister to exempt certain types of development from such a charge, and any by-law is also subject to Ministerial approval before coming into force.

We believe it may be premature to introduce a holding provision at this stage without clarity on which types of development should be exempt as there could be unintended negative effects, particularly our retail centre. The City should reconsider this approach unless and until the Province authorizes such by-laws, and clarifies the types of uses that may or may not be subject to transit station funding charges. H Provisions should only apply to mixed-use developments.

Permitted Uses

The proposed amendments will place the Oshawa South shopping centre in a PMTSA designation, and the zoning by-law will re-zone the Subject Properties to PCC-E(2) h-97.

We fully understand and support the long-term goal of transitioning the PMTSA into a more pedestrian friendly mixed-use community. However, the evolution of the uses in the area will take place over a long period of time, predicated on the construction of the GO station. Notwithstanding, the proposed policies and zoning seek to prohibit automobile-oriented uses today, well in advance of the transit infrastructure that might be anticipated to reduce automobile reliance.

In light of this, we request that policies take into account the long-term vision for the area and the need for transit infrastructure to actually be in place prior to prohibiting automobile and land extensive uses. An appropriate policy regime would see such uses phased out after the GO station has been constructed and is in use for a number of years, to allow people's transportation use habits to adjust. At a minimum, the station should actually be built prior to prohibiting drive-through and other uses.

Additionally, the proposed three-storey height minimum will limit flexibility for retail leasing, expansions, and new development. Many retailers have specific format needs and maintaining some flexibility in building height will help ensure that a diverse mix of business can continue to operate and serve the community successfully. For this reason, we recommend that existing permitted retail uses be exempt from this minimum height limit.



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Lastly, the proposed zoning continues to place limitations on retail uses on the Subject Lands. Given the intent of the OPA and ZBA to support mixed use redevelopment to support the future GO Station there is no rationale for continuing to reduce flexibility of retail uses on a site that is an established commercial centre and in a future mixed use community. We therefore request that these restrictions be removed entirely.

SmartCentres REIT remains committed to working collaboratively with the City of Oshawa to support thoughtful, balanced growth that aligns with the evolving needs of the community. While we recognize the importance of transit-oriented development and a diverse mix of uses, it is essential that policies maintain the flexibility necessary for retail and other non-residential uses to thrive. Ensuring that new regulations are aligned with market realities—particularly regarding holding provisions, permitted uses, and development standards—will be key to fostering a vibrant and sustainable commercial environment.

Looking forward to your thoughts and thank you again for your time and consideration.

Sincerely,

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cc. Allan Scully, SmartCentres REIT
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Chris Barnett, Osler, Hoskin & Harcourt LLP
David McKay, MHBC