

# AIRD & BERLIS LLP

Barristers and Solicitors

Patrick J. Harrington  
Direct: 416.865.3424  
E-mail: pharrington@airdberlis.com

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BY EMAIL

File No. 115881

Planning and Growth Management Committee  
c/o Nancy Martins (Secretariat)  
10th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Committee Members,

**Re: PG28.2 Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations on Conversion Requests**

## **Emery Investments**

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Aird & Berlis LLP is counsel to Emery Investments ("Emery"), the owner of land municipally known as 300 Middlefield Road in the City of Toronto (the "Site"). The Site is located south of Finch Avenue, east of McCowan Avenue, to the immediate northwest of the CP Rail Line, in the former City of Scarborough.

Under the in-force Toronto Official Plan, the Site is on the edge of an Employment District (see Map 2) within a designated *Employment Area* (see Map 22). Pursuant to Policy 4.6.2, places of worship, business and trade schools, and branches of community colleges/universities are permitted uses on sites along major streets in *Employment Areas*. Middlefield Road is a "major street" as shown on Map 3 to the Toronto Official Plan. Accordingly, the aforementioned list of community and institutional uses are presently permitted on the Site.

We have reviewed the draft Official Plan Amendment prepared by City Staff pertaining to the City's Employment Areas. We have also reviewed the City Staff Report, which was released to the public on or about November 13, 2013. City Staff are recommending that the Site be designated as *Core Employment Area*.

The proposed land use policies for the *Core Employment Area* are much more restrictive than those of the City's existing *Employment Areas*. Permitted uses within *Core Employment Areas* are proposed to be limited to manufacturing, warehousing, offices, research and development facilities, utilities, and similar uses. Secondary uses are to be limited to hotels, small-scale restaurants and small-scale service uses. Community and institutional uses will be limited to "industrial trade schools". Other forms of private schools and places of worship will not be permitted within the City's new *Core Employment Areas*, notwithstanding commentaries contained within the proposed Employment Areas OPA that are encouraging of community and institutional uses to serve Toronto's growing population.

The City Staff Report attempts to justify the removal of community and institutional permissions throughout the City's Employment Areas on grounds that such uses are sensitive and may impact existing and future industrial operations. With due respect to staff, such a broad brush approach does not account for the fact that the peak usage of many community uses (for example, places of worship) are complementary to the peak usage of most employment uses (weekends vs. weekdays). Further, staff's approach would not allow for site-specific determinations of appropriate locations, especially where the presence of a private school or place of worship would not present local impacts or limitations on adjacent industry. Emery submits that the Site presents an example of a location where the development of a community or institutional use would not present local impacts or limitations on adjacent industry.

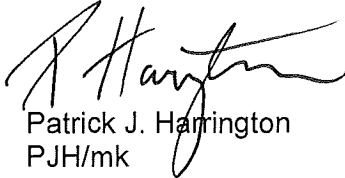
Rather than a blanket prohibition on developing community and institutional uses on Employment Area lands, a more reasonable approach would be to permit such uses on "major streets" subject to a site-specific assessment conducted through a rezoning or site plan application. This would accord with the City's existing *Employment Area* policies and would represent a better planning solution to the concerns being raised by staff.

Please accept this written submission pursuant to subsection 26(5) of the *Planning Act*. Please also provide my office with notice of any decision on the Employment Areas OPA. Representatives of my client are available to meet with City Staff to discuss this submission at your convenience.

If you have any questions please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington  
PJH/mk

cc: Keri Voumvakis, Acting Director, Strategic Initiatives, Policy and Analysis, City Planning  
Toronto City Clerk  
Patricia A. Foran, Aird & Berlis LLP  
Client

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