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By Email

Planning & Growth Management Committee
c/o Ms. Nancy Martins, Administrative Secretary
City Hall
100 Queen Street West
10th Floor
West Tower
Toronto, Ontario

Attention: Council and Committee

Re: Five Year - Municipal Comprehensive Review
Employment Lands Policies and Designations/City of Toronto Official Plan (PG13084)
24 Progress Avenue, Progress Employment District, Former City of Scarborough

We are the solicitors for 1118661 Ontario Inc., who operates out of the building municipally known as 24 Progress Avenue, which is within the Progress Employment District. The Site is located at the periphery of the employment district/area and flanked on both sides by places of worship. It appears that our client's site and the adjacent properties are proposed to be designated "Core Employment Areas".

Our client currently conducts a variety of activities at 24 Progress Avenue, including a child care facility. In response to demand our client has been working to expand enrollment, and is in the process of obtaining the license required by the *Day Nurseries Act* for that facility to provide care to more than five children. In the course of pursuing that licence, our client learned that the City wide harmonized zoning by-law 569-2013 downzoned the site such that a Day Nursery is no longer explicitly identified as a permitted use. Unfortunately, the downzoning that occurred as part of that "harmonization" exercise has created uncertainty and confusion as to the appropriateness of locating child care facility on our client's site, which has delayed the *Day Nurseries Act* licence process by over 6 months. There is concern that the proposed official plan update will further complicate and confuse resulting in great uncertainty.

From our review appears that proposed update to the Employment Lands Policies and Designations in the City of Toronto Official Plan will further adversely affect our client's ability to expand their child care facility (and the ability of others to establish new child care facilities). Affordance and convenient child care facilities are fundamental to working families, and their presence supports the development of vibrant competitive employment areas. In our view,

planning instruments that create unnecessary barriers (or confusion) when establishing new child care facilities or expanding existing facilities do not further any public interest.

We are requesting that our client's site be designated "General Employment Area" in recognition of the existing surrounding uses, and that the proposed revised policies for the City's Official Plan clearly and unequivocally state that child care facilities are permitted along the periphery of employment areas, such as our client's site (regardless of what designation is applied).

Yours very truly,

DEVRY, SMITH FRANK *LLP*

Electronically signed by

Cory Estrela

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Encl.

cc: client
Kerri Voumvakis (kvoumva@toronto.ca)
Paul Bain (pbain@toronto.ca)
City Clerk