May 29, 2014

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And Via Fax: 416-392-1879

Chairman and Members
Planning and Growth Management Committee
c/o Nancy Martins
Committee Administrator
City Clerk’s Department
City Hall, 100 Queen Street West
10th Floor, West Tower
Toronto ON M5H 2N2

Dear Sirs/Mesdames:

Re: Planning and Growth Management Committee
Agenda Item PG33.4 – May 28, 2014
Bermontsey O’Connor Employment Area
City-initiated Official Plan Amendment

We are the solicitors for The Scott Mission O’Connor Family Centre, which is the owner of 1550 O’Connor Drive (the “Property”). The Property is currently subject to area-specific OP Policy 146, which permits residential, commercial and institutional uses on the Property. The recommendations in the above report propose to delete Policy 146.

The Scott Mission provides a variety of social services, including a childcare centre, food and clothing banks and youth programs. It also has a large warehouse space associated with the foodbank. Our client’s website (www.scottmission.com) provides a broader overview of its programs, which provide a valuable set of services to the community.

It was the site-specific Official Plan policies, and in particular OP Policy 146, that led the Scott Mission to purchase the Property. Our client objects to the proposed deletion of that policy. Of the uses that it lawfully carries out on the Property, it appears that only the warehouse function would conform to the Official Plan if the recommendation to delete Policy 146 is adopted.

Our client objects in particular to the deletion of the provision for commercial and institutional uses, given the nature of its operations. While it has less of an immediate concern about the proposed deletion of the residential permission, we note that this permission already places an onus on the owners of the Property to ensure compatibility with existing industrial uses. We understand that OP Policy 146 itself arose as a result of a City-initiated Official Plan.
Amendment dating back to the 1990's, it contains a number of City-approved safeguards, and we question why it is necessary at this time to delete it. There has been no indication that The Scott Mission’s use of the Property has been disruptive in any way to nearby industrial uses.

Our client only recently became aware of these proposed changes, which is somewhat surprising given their site-specific nature. Given the degree to which The Scott Mission’s interests are affected, we would have expected there to be more direct engagement. We have since been recently retained had the opportunity to speak with Mr. Rogalski, and he was very helpful in that discussion. We would like the opportunity to continue those discussions to see if a compromise can be reached. Our client is prepared to appeal the deletion of Policy 146 if that recommendation is adopted, but we think that it would be more productive to first determine if that deletion is necessary.

Our client does not want its current operation to become contrary to the applicable Official Plan provisions. It is in our submission appropriate to continue to recognize these uses, which are in place, and not place them in an Official Plan status that would lead to them becoming non-conforming uses, for which it is assumed should one day cease to exist. Our client provides a valuable service to the community, and it is appropriate to continue to recognize that use in the City’s Official Plan.

We therefore request that the proposed amendment not be approved as submitted, and that OP Policy 146 not be deleted. In the alternative, we ask that Committee defer the matter so that we may have a chance to meeting with Planning Staff to discuss our client’s specific concerns.

We hereby request that we be provided with notice of any Committee and Council decision in respect of this matter.

Yours truly,

MILLER THOMSON LLP
Per: ____________

Steven J. O’Melia
SJO/dms

c. Peter Duraisami, The Scott Mission O’Connor Family Centre (via email: Pdura@scottmission.com)
Jeff Johnson, The Scott Mission O’Connor Family Centre (via email: jjohnson@scottmission.com)
Robert Hayhoe, Miller Thomson LLP (via email: rhayhoe@millerthomson.com)