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November 13, 2015

**Delivered by email to [pgmc@toronto.ca](mailto:pgmc@toronto.ca)**

Ms. Nancy Martins  
10<sup>th</sup> floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario  
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*Attn: Councillor David Shiner (Chair) and Members of the Planning and Growth Management Committee*

Dear Ms. Martins:

**Re: Tippet Road Area Regeneration Study  
Item PG8.6**

We are counsel to Management Systems Resources Inc. ("MSR"), the owner of 2 Tippet Road, located at the southwest corner of the Tippet Road Regeneration Area.

The purpose of this letter is to provide the Planning and Growth Management Committee ("the Committee") and City Council with our client's concerns regarding the proposed Tippet Road Area Regeneration Study, which is scheduled to be considered by the Committee on November 16, 2015.

We would appreciate if you could provide a copy of this letter to the Committee in advance of its meeting.

### **Background Regarding MSR**

Since MSR was established in 1981, it has pursued a vision to become the foremost customs compliance software provider in the industry. MSR is a growing business, which has achieved great success in the Canadian, U.S., and global markets.

In 1999, MSR purchased 2 Tippet Road, with a four-storey office building. MSR relocated to the Tippet Road Area because of its viability as a thriving employment destination, and particularly its accessibility to the subway and the major 400 series highways serving the Greater Toronto Area.

MSR is currently the largest employer with head offices in the Tippett Road Area. In the next ten years, MSR expects to implement expansion plans that will double its need for office space. MSR believes that its Tippett Road location has contributed to the success of its business, and will continue to be critical for MSR to achieve its anticipated growth. As such, MSR's preference is to purchase contiguous expansion lands in the Tippett Road Area for the purpose of constructing a new office building.

As noted in the Staff Report dated October 23, 2015, MSR initially approached Build Toronto to purchase a one-acre portion of the south part of 30 Tippett. However, Build Toronto recently issued a request for proposals for a 3-acre portion of the site, which was marketed (and valued) as high-density residential land.

### **Concerns Regarding the Tippett Road Area Regeneration Study**

MSR acknowledges that through OPA 231, the City has identified the Tippett Road Area as an appropriate *Mixed Use Area*. However, OPA 231 and the adopted (but under appeal) Site and Area Specific Policy 387 ("SASP 387") also underscored the importance of preserving and increasing non-residential gross floor space in the area.

MSR's primary concern with the proposed Tippett Road Area Regeneration Study is that it does not sufficiently recognize the importance of employment uses in the area. Its policies effectively "water down" SASP 387, and will not adequately protect the viability of the Tippett Road area as a premier office destination.

SASP 387 is reproduced in part on the following page. It requires that developments in Parcel B (south of Wilson Avenue) that include residential units also increase the non-residential gross floor area in Parcel B.

'387. The Tippet Road Area



A framework for new development on the lands will be set out in either a Secondary Plan or a Site and Area Specific Policy to address the matters that are identified in Section 4.7.2 of the Plan and also matters such as the following:

...

- c) A requirement that development in Parcel "B" that includes residential units also increase the non-residential gross floor area in Parcel "B"; and

The proposed OPA 309 modifies and weakens the protection for non-residential gross floor area that was afforded by SASP 387. In particular, the introductory wording in policy 1 speaks to the creation of a complete community that “maintains” employment in the area; it does not speak to “increasing” employment in the area, consistent with SASP 387. Similarly, policy 1.2(f) provides for the introduction of residential uses balanced with the “retention and replacement of non-residential uses”. Again, it should have referenced the increase of non-residential uses in order to maintain, in part, the historic character of the area and to provide a well-balanced and vibrant community with both residential and employment uses.

Most concerning is policy 7.1.(c), which provides as follows:

*On the lands south of Wilson Avenue, development that includes residential units must also increase the amount of existing non-residential gross floor area as of the date of the adoption of this Amendment;*

This policy is particularly problematic in light of the Ontario Municipal Board's recent approval in respect of 9 Tippett Road, which is on the east side of Tippett. That property originally contained a one-storey warehouse building with approximately 3,700 m<sup>2</sup> of non-residential gross floor area. However, the development proposed only 1,068.38 m<sup>2</sup> of non-residential gross floor area. Notwithstanding that 9 Tippett was designated *Employment Area* at the time the application was filed, and notwithstanding that the proposal did not meet the requirements of SASP 387, the City supported a resolution at the Board. Instead of increasing the overall non-residential GFA in Parcel "B", the 9 Tippett development will decrease the non-residential GFA by approximately 2,700 m<sup>2</sup>. In our view, this represents a significant erosion of the employment character of the Tippett Road area. The City should require that the deficiency be accommodated on other lands in "B".

Finally, policy 9.2 provides that in a new development, the provision of space for community services and facilities such as child care facilities and libraries will qualify as non-residential floor area for the purposes of satisfying the non-residential replacement policies in section 7. In our view, this policy is not appropriate and should be deleted entirely. Community services and facilities are more traditionally considered institutional uses. While these uses can and should be located in the Tippett Road Area, they should not be considered as non-residential uses that will satisfy section 7. Doing so will even further erode the historic character of the Tippett Road Area, and advance the trend towards a predominantly residential community.

### **Conclusion**

In our view, the maintenance of existing non-residential gross floor area and addition of new office uses is fundamental to the creation of a thriving mixed use area with a meaningful contribution to the City's economic development, consistent with the intent of the Official Plan and OPA 231. The policies of proposed OPA 309 should be strengthened to require the net increase in non-residential gross floor area, consistent with the intent of the *Provincial Policy Statement 2014*, the *Growth Plan for the Greater Golden Horseshoe*, OPA 231, and SASP 387.

We reserve the right to raise other concerns regarding OPA 309, including with respect to the built form and density requirements. If you have any questions or require anything further, please do not hesitate to call or email me.

Best regards,



Amber Stewart