



July 18, 2023

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Attention: John D. Elvidge, City Clerk
Sylvia Przedziecki

Dear Mayor and Members of Council:

**Re: Planning and Housing Committee Agenda Item – 2023.PH5.2, July 5, 2023
Official Plan Amendment for Bill 97 Transition – Authorizing the Continuation of
Institutional and Commercial Uses in Employment Areas
Council Meeting, July 19, 2023**

We are the lawyers for The Governing Council of the University of Toronto, the owner of an approximately 12.08 hectare site located generally southeast of Steeles Avenue West and Dufferin Street, municipally known as 4925, 4961 and 5201 Dufferin Street. The property's northern 2.58 hectares is the subject of Request to Convert 056. We are writing to comment on the City's proposed response to Bill 97 through the proposed introduction of Official Plan Amendment 668, which purports to authorize continuation of institutional and commercial uses in employment areas.

On June 13, 2023, Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, received Royal Assent. Among other matters, Bill 97 scoped the definition of "area of employment" to traditional manufacturing, warehousing or related uses, and confirmed that office, retail and institutional uses are not business and economic uses for the purposes of the new definition, unless tied to manufacturing, warehousing or related uses. This change is to support the new draft Provincial Planning Statement 2023, which similarly limits what areas are to be considered areas of employment, and encourages mixed use development, including residential, outside of these areas to support complete communities. The draft Provincial Planning Statement confirms that municipal official plans shall not contain provisions that are more restrictive on the use of such lands. Transition provisions were added to confirm that an area of employment may include existing legally established uses, but that areas of employment may not otherwise permit this broader category of uses.

The City's staff report recommends official plan amendments coming forth now and broader amendments in the fall which purport to protect all core and general employment lands in the City as areas of employment, despite their current, broader mix of uses, contrary to the

provincial direction to genuinely limit areas of employment to heavy industrial uses, particularly close to goods movement corridors, while making more land available for development. Such an approach fails to account for the unique nature of any given parcel of land, including the University's property, which, in our view, and as detailed in the original conversion request and subsequent correspondence to the City, is appropriate to be designated and developed as a Mixed Use Area. Finally, in our view, Official Plan Amendment 668 is premature and should not proceed in advance of the substantive review staff propose for later in the fall to ensure conformity with provincial policy and direction.

We thank you for the opportunity to provide comments and ask that our office is provided with notice of any meetings and decision related to this matter.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read "Signe Leisk", with a stylized flourish at the end.

Signe Leisk

SL/AP/nv