

July 17, 2023

**Via E-mail**

Toronto City Council  
100 Queen Street West  
City Hall, 12th Floor, West Tower  
Toronto, ON M5V 3C6

**Attention: John Elvidge, City Clerk**

Dear Sirs/Mesdames:

**Re: PH5.2 - Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas - Final Report**

We are counsel to First Capital Realty Inc., which through its subsidiaries owns more than fifty (50) properties across the City of Toronto (the “**City**”), including but not limited to the properties known municipally in the City as

- 85 Laird Drive (Leaside Village);
- 808 York Mills Road (York Mills Garden);
- 109 Atlantic Avenue and 85 Hanna Avenue (Shops at King Liberty); and,
- 2969-2375 & 2331 Brimley Road (Chartwell Shopping Centre).

We are writing to provide our client’s concerns with draft Official Plan Amendment No. 668 (“**OPA 668**”). Based on the staff report accompanying OPA 668, we understand that City staff intend OPA 668 to be the first of two City-initiated Official Plan Amendments to address changes to the definition of “areas of employment” in the *Planning Act* made through Bill 97, the *Helping Homebuyers, Protecting Tenants Act* (“**Bill 97**”).

It appears that OPA 668 purports to respond to the transition provisions introduced in Bill 97 to authorize the continuation of existing commercial and institutional uses in *Core Employment Areas* and *General Employment Areas* in the City. As noted above, our client owns lands across the City that are currently used for commercial and institutional purposes but designated as *Core Employment Areas* or *General Employment Areas*. Obviously, our client has an interest in ensuring that these existing uses continue to have appropriate policy permissions in the Official Plan.



However, City staff have indicated that a related City-initiated Official Plan Amendment is targeted for the Fall of 2023 to update the permitted uses in the *Core Employment Areas* and *General Employment Areas* designations (the “**Related OPA**”). We presume that City staff, as part of recommending the Related OPA, will review all use permissions for these land designations and consult with impacted landowners regarding the future potential for these areas of land.

Given the work required to support the Related OPA and the potential impact of the Related OPA on the need for OPA 668 within certain areas of land, it is our client’s view that OPA 668 is premature at this time. OPA 668 should be considered in conjunction with the Related OPA to ensure a comprehensive and coordinated approach to implementing the legislative amendments introduced by Bill 97. OPA 668 may also lack consistency with the new policy document scheduled to be released by the Province later in 2023.

The City’s approach to the Related OPA will impact the application and effect of OPA 668. Without the Related OPA being considered in conjunction with OPA 668, it is not possible to understand the implications of OPA 668 and, accordingly, OPA 668 does not represent good planning. Given that these provisions in Bill 97 will not receive proclamation until the Fall of 2023, there is also no need to move forward with OPA 668 at this time.

For the reasons stated above, we request that City Council: (1) defer a decision on OPA 668 at this time, (2) direct City staff to review and reconsider OPA 668 in conjunction with the Related OPA targeted for the Fall of 2023, and (3) direct staff to report back to Planning and Housing Committee on OPA 668 and the Related OPA only at such time when both OPA 668 and the Related OPA can be considered concurrently, either as separate Official Plan amendments or as one comprehensive Official Plan amendment.

If City Council does not defer a decision on OPA 668, but proceeds to adopt OPA 668, our client will likely have to appeal OPA 668 to the Ontario Land Tribunal. As such, please ensure we are notified of any decisions made by City Council in connection with this matter.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to read "D. Bronskill".

David Bronskill  
DJB/