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File No. 038577.000001

July 18, 2023

Delivered by Email (councilmeeting@toronto.ca)

Angela Machado
City Clerk's Office, Secretariat
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Angela Machado, Committee Secretary (Acting)

Dear Mayor Chow and Members of Council:

Re: Item PH5.2 – Official Plan Amendment for Bill 97 Transition – Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas – Submissions by Pinewood Toronto Studios

We are legal counsel to PT Studios Inc. (o/a Pinewood Toronto Studios) (“**Pinewood**”), the long-term lessee of the properties municipally known as 101 and 225 Commissioners Street and 1-17 Basin Street, in the City of Toronto (the “**Subject Property**” or “**Site**”). Pinewood has been an anchor tenant of the Port Lands for many years and has long-term plans to redevelop the Subject Property in accordance with the Central Waterfront Secondary Plan, as amended by modifications supported by the City of Toronto (“**City**”).

On behalf of our client, we have reviewed the Final Staff Report, dated June 19, 2023, for the proposed Official Plan Amendment for Bill 97 Transition – Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas (“**Draft OPA 668**”) and have the following comments.

Background of the Subject Property

Pinewood operates the largest film and purpose-built sounds stages in Ontario on the Subject Property and is planning to further develop the Site to enhance their media production capabilities. Under the Port Lands Planning Framework and the Central Waterfront Secondary Plan, the Site is located within the Production, Interactive and Creative (PIC Core) District, which seeks to permit

a wide range of employment uses in a compact urban form with active ground floor uses that foster the growth of Toronto's screen-based and digital media industries.

To support the media production that occurs and is anticipated to occur on the Subject Property, Pinewood and the City established a number of development permissions in the Central Waterfront Secondary Plan for associated commercial (e.g., retail and service) and institutional uses on the Site, also known as the Media City District. This includes permissions for accessory child care, post-secondary education, hotel and entertainment uses. This range of employment-supportive uses was approved by the Ontario Land Tribunal in 2021 and 2022 as part of the Central Waterfront Secondary Plan appeals. The enhanced permissions will permit Pinewood to develop the Subject Property into a competitive and world-class media production studio.

Comments to Draft OPA 668

On April 6, 2023, the Province of Ontario (the "**Province**") introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act* ("**Bill 97**") alongside the proposed Provincial Planning Statement ("**PPS 2023**"). Bill 97 has since received Royal Assent on June 8, 2023, while the PPS 2023 remains open for comment until August 4, 2023. Pinewood intends to submit a comment to the Province expressing their reservations with the proposed PPS 2023, as outlined in our submission to the Planning and Housing Committee on May 31, 2023, as attached.

Although the specific provisions are not yet in effect, Bill 97 has revised the definition of "area of employment" under the *Planning Act* by excluding institutional and commercial uses, subject to limited exceptions. The Province has proposed to update the definition of "employment area" in the PPS 2023 to exclude institutional and commercial uses. Through OPA 668, the City is considering an approach that would authorize the continuation of "lawfully established" institutional and commercial uses in employment areas.

It is unclear to Pinewood whether OPA 668 would apply to the Subject Property such that it would inadvertently remove certain development permissions granted to the Media City District such as the provisions for associated commercial and institutional uses, including accessory child care, and post-secondary, hotel and entertainment uses, considering the restrictive definitions to employment areas in the PPS 2023. As such, Pinewood is requesting clarity from the City and planning staff as to whether OPA 668 will impact the Subject Property, and if so, how the permissions established through the Central Waterfront Secondary Plan can be protected so that the development of the Media City District that conforms to the greater planning vision for the Port Lands can be maintained.

Yours very truly,
BORDEN LADNER GERVAIS LLP



Isaac Tang

Cc: Client

/Encl.

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May 31, 2023

Delivered by Email (phc@toronto.ca)

Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins, Committee Administrator

Dear Chair Bradford and Members of Planning and Housing Committee:

Re: Item PH4.8 – City Comments on the Proposed Provincial Planning Statement – Submissions by Pinewood Toronto Studios

We are legal counsel to PT Studios Inc. (o/a Pinewood Toronto Studios) (“**Pinewood**”), the long-term lessee of the properties municipally known as 101 and 225 Commissioners Street and 1-17 Basin Street, in the City of Toronto (the “**Subject Property**” or “**Site**”). Pinewood has been an anchor tenant of the Port Lands for many years, and has long-term plans to redevelop the Subject Property in accordance with the Central Waterfront Secondary Plan, as amended by modifications supported by the City of Toronto (“**City**”).

Pinewood recognizes that the City intends to submit a recommendation to the Minister of Municipal Affairs and Housing (“**Minister**”) on the Proposed Provincial Planning Statement (“**PPS**”). Pinewood shares several of the concerns of the City’s Chief Planner and Executive Director and the concerns of the City’s Film Commissioner and Director in relation to the new Employment Area policies of the PPS and how they affect the viability of the film production industry.

Comments on the PPS

Film production is an important and fast-growing industry in Ontario. In 2022, the film industry contributed roughly \$3.15 billion to the economy while helping to create more than 45,000 jobs.¹ While Pinewood supports updating the PPS to reflect current provincial priorities, it is particularly

¹ Sara Jabakhanji, “Ontario reaches record-high levels of film, TV production in 2022”, *CBC* (March 25, 2023), online: <https://www.cbc.ca/news/canada/toronto/ontario-film-tv-production-levels-record-high-1.6788133>.

concerned that the Employment Area policies are overly restrictive and will lead to the decline of the film industry in Ontario.

Pinewood's concerns stem from the more restrictive definition of Employment Areas in the PPS. Film studios are a specialized industry and benefit from a number of key land use considerations including: the ability to cluster with other film studios and media-related uses, proximity to major population centers to access a large employee pool and diversity of filming locations, and the ability to maintain and secure expansions to large studio properties without competing with lands that may be subject to other development pressures.

The revised PPS risks making the film industry in Ontario less competitive by creating an environment where film studios must compete with other more lucrative land uses for sites. Pinewood's concerns are largely echoed in the Impact Analysis on the PPS conducted by the City's Film Commissioner. The Impact Analysis acknowledges that the revision to Employment Areas in the PPS may jeopardize the future success of the film industry in Ontario. The film industry is highly global in nature and can choose to relocate their film productions to other jurisdictions that are supportive of the land use considerations that make a studio facility and location viable and attractive. In addition, in order to be considered viable and attractive in the global market for film production locations, film studio operators seek to locate their operations and facilities in jurisdictions that best meet, and are supportive of, their land use planning needs.

Pinewood's concerns are also nuanced given that the Subject Property is located within the Port Lands, an area in Toronto that is planned for significant urban renewal in the coming years. The Don River naturalization and flood protection project entails major infrastructure investment that will support a thriving, mixed-use environment where industries, homes, shops, and services will all co-exist. The Subject Property itself comprises a large portion of the Production, Interactive, and Creative (PIC) Core district, as identified by the Port Lands Planning Framework and Central Waterfront Secondary Plan. This area is intended to grow as a modern, urban district with a mix of film, television, digital media production, creative and supportive uses, some of which are not recognized by the proposed treatment of Employment Areas in the revised PPS.

In addition, there are a number of sensitive uses permitted on the Subject Property and within its immediate context. These include a daycare and post-secondary school on the Subject Property as well as residential uses directly north of the Site. Compatibility and mitigation studies were completed during the planning process for these lands, through which it was determined that Pinewood's operations do not have impacts on these uses and are in fact compatible with them. This makes them somewhat unique from other Employment Areas.

Requested Recommendation

Pinewood supports the City of Toronto proposal that the Minister consider revising the definition of Employment Area in the PPS to explicitly include film production, stand-alone and associated office, convenience retail and service uses. This would allow the film industry to access employment lands and benefit from their inherent protections. It would also facilitate the clustering of studios and their placement near major population centers and filming locations. Furthermore, allowing film studios to be located on employment lands would help alleviate development pressures to convert the lands to more expensive uses.

Pinewood similarly supports the City of Toronto's position that commercial uses, public service facilities and other institutional uses should also be permitted within Employment Areas. These uses are supportive of film production and media-related uses and can help bolster the competitiveness and success of Ontario's film industry, where appropriate.

Pinewood will be making their own independent submission regarding the proposed changes to the PPS, which will be consistent with the contents of this letter. Our client would be happy to further discuss this submission with City Staff and the City's Film Commissioner in the coming days.

Yours very truly,

BORDEN LADNER GERVAIS LLP



Isaac Tang

Cc: Client

Marguerite Pigott, Film Commissioner & Director, Entertainment Industries
Patrick Tobin, General Manager, Economic Development and Culture,
Gregg Lintern, Chief Planner and Executive Director, City Planning Division
Geoff Grant, General Manager, Pinewood Toronto Studios
Sarah Farrell, General Counsel, Pinewood Toronto Studios