

July 18, 2023

File No.: 538222-3

Sent Via E-mail

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

Dear Mr. Elvidge:

**Re: Midland Corporate Centre Ltd.  
1860 Midland Avenue and 445 Midwest Road, Toronto  
Agenda Item - PH5.2 Official Plan Amendment for Bill 97 Transition - Authorizing the  
Continuation of Institutional and Commercial Uses in Employment Areas**

We are counsel for Midland Corporate Centre Ltd. ("**Midland**"), owners of the properties municipally known as 1860 Midland Avenue and 445 Midwest Road ("**Subject Lands**"), in the City of Toronto ("**City**"). We are writing to provide our client's concerns with draft Official Plan Amendment No. 668 ("**OPA 668**"), which is scheduled to be discussed at the City's July 19-21, 2023, Council Meeting. We ask that this letter be provided to Council in advance of the meeting.

The Subject Lands are primarily occupied by a Canada Post corporate office, but also contain other various commercial operations. Directly north and east of the Subject Lands are residential neighbourhoods. Our clients have an appeal of Official Plan Amendment No. 231 with respect to the Subject Lands.

According to the OPA 668 related Staff Report to the Planning and Housing Committee, dated June 19, 2023, OPA 668 is the first of two City initiated OPAs related to the Bill 97, the *Helping Homebuyers, Protecting Tenants Act* ("**Bill 97**") changes to the *Planning Act* that pertain to "areas of employment". We understand that OPA 668 is intended to respond to the transition provisions introduced in the new *Planning Act* subsections related to "areas of employment", while the subsequent OPA will relate to the revised *Planning Act* definitions of "areas of employment."

OPA 668 exercises a Bill 97 change to the *Planning Act* that provides a transition provision that authorizes municipalities to implement Official Plan policies that would permit the continuation of uses excluded by the new definition of "areas of employment". OPA 668 applies to all employment lands in the City.

We are concerned that OPA 668 undermines the purpose of Bill 97. Bill 97 was, in part, intended to provide flexibility and help facilitate the conversion of lands designated and zoned for employment uses to permit

residential uses. OPA 668's broad application will instead enforce the status quo and restrict the conversion of lands that are appropriate for mixed or residential uses, such as the Subject Lands.

As noted above, the City is implementing policies related to Bill 97 changes to "areas of employment" in two phases. Our client is concerned that the City's approach to implementing multiple OPAs dealing with the same Bill 97 concerns at different times does not allow owners to appropriately consider the individual or combined impacts of the policies.

For the reasons above, we request that City Council defer its decision on OPA 668 to a time following the approval of the proposed Provincial Planning Statement, 2023 and which allows both OPAs related to the Bill 97 changes to the "areas of employment" sections of the *Planning Act* to be considered in conjunction. Further, we request City Council reconsider its plan to broadly apply the policies of OPA 668. We note that the Bill 97 changes that are dealt with in OPA 668 have not received Royal Proclamation and there has been no indication that it is imminent. Accordingly, it is inappropriate to adopt OPA 668 at this time.

Please ensure we are notified of any decisions made by City Council pertaining to OPA 668. We request notice of any decisions, meeting and/or reports with respect to OPA 668. Kindly provide confirmation of receipt of this letter.

Please contact me should you have any questions.

Yours truly,

**Dentons Canada LLP**



**Katarzyna Sliwa**

Partner

KS/kp

Copy.      Client