

November 29, 2023

**BY EMAIL:** [phc@toronto.ca](mailto:phc@toronto.ca)

Our File No. 110669

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

Dear Chair Perks and Members of the Planning and Housing Committee:

**Re: Item PH8.14 - Directions to Amend Official Plan Employment Area Policies:  
Proposals Report  
Planning and Housing Committee Meeting November 30, 2023**

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Aird & Berlis LLP acts on behalf of Choice Properties Limited Partnership (“Choice”), owners of multiple properties within the City of Toronto currently designated as *General Employment Areas* within the City’s Official Plan. On behalf of Choice, we have been monitoring the City’s proposed response to Bill 97 and the updated definition of *Areas of Employment* that it introduces into the *Planning Act*, R.S.O 1990, C. p.13, as amended.

Like many other property owners with lands in the City’s *Employment Areas*, we wrote to Council earlier this summer to express concerns with the City’s previously adopted (but not yet enacted) OPA 668. Among other things, we argued that OPA 668 was premature, was contrary to the intentions of Bill 97, and was unclear with respect to the treatment of and continuation of lawfully existing uses.

We are disappointed to have read the Directions Report from the Chief Planner and Executive Director, City Planning, (the “Staff Report”) currently before this Committee that presents draft policy directions that continue to ignore these stated concerns.

## Background

Through OPA 231, adopted by Council more than 10 years ago, the City developed two classes of *Employment Areas* within the City: *General Employment Areas* and *Core Employment Areas*. This dichotomy recognized that employment uses are not homogenous. A wide spectrum of employment uses exist between traditional manufacturing and warehousing uses, to office and retail, each contributing differently to the City’s economy and the Growth Plan’s targets for employment growth. Through OPA 231, retail, office and other similar uses were permitted in *General Employment Areas* located on the periphery of employment zones, while manufacturing, warehouse and other traditional employment uses continued to be permitted in both *Core* and *General Employment Areas*.

Choice, like many other affected landowners, owns numerous properties within the *General Employment Areas* designation where they operate large scale retail uses (grocery stores) within retail plazas or as standalone stores. Many of their properties are also improved with office uses.

These uses have existed for a long time, and they serve both the surrounding *Employment Areas* as well as the local community beyond.

The City's proposed policy direction seeks to render these long-standing uses as legally non-conforming within *Employment Areas*. This classification threatens their ongoing viability and their ability to grow and adapt to changing economic factors. This is not what the Province intended with Bill 97.

### **The City's Policy Direction is Inconsistent with the Intentions of Bill 97**

The clear intention of Bill 97 and the new definition of *Areas of Employment* is to limit employment areas to traditional manufacturing, warehousing or related uses. Office, retail and institutional uses are explicitly not included in this definition, signalling an intention to exclude these uses from restrictive *General Employment* and *Core Employment* designations and policies.

Bill 97 is not intended to threaten the viability of existing retail, office and institutional uses within *General Employment Areas*. That would run counter to every stated provincial policy to promote business and economic growth. Instead, Bill 97 should be interpreted as an opportunity for the City to re-evaluate its existing stock of employment lands, to undertake a detailed assessment of the appropriateness of the *General Employment Areas* and *Core Employment Areas* designations on lands which are currently planned and used for office, retail and institution uses, and to determine whether those sites should appropriately be redesignated given the new statutory definition of *Areas of Employment* and the policy framework proposed in the new Provincial Planning Statement ("PPS").

The recommended policy direction advanced through the Staff Report represents a misapprehension of the intent of the legislation, and a missed opportunity to improve the function of both the City's *Employment Lands* and the surrounding lands that service them.

### **The City's Policy Direction is Premature**

While it is understandable that the City wishes to have a framework in place once the amended definition of *Areas of Employment* is brought into force and effect, there is no need to rush the process. The relevant sections of the *Planning Act* amended by Bill 97, including both the revised definition and the proposed transition provisions, are not yet proclaimed. Further, the related definition of *Employment Areas* contained within the upcoming PPS are still subject to approval by the Minister of Municipal Affairs and Housing. Given that the City's employment policies are intended to implement the to-be-proclaimed changes to the *Planning Act* and will need to be consistent with the new PPS, it makes little sense to adopt changes to the Official Plan until these legislative and policy instruments are finalized and in full force and effect.

### **The Recommended Consultation is Inadequate**

The recommendation before this Committee is as follows:

"Planning and Housing Committee direct the Chief Planner and Executive Director, City Planning Division, to continue consultation on the draft policy directions with Councillors, industry, other stakeholders, and the general public, and report back with

recommended Official Plan amendments before the Province proclaims the amended Planning Act definition of "area of employment"

This recommendation completely ignores consultation with the hundreds of landowners, including Choice, who own properties within the *General Employment Areas* designation that contain retail, office and institutional uses. These are the landowners that are most directly affected by the proposed policy direction and who, up to now, have been ignored throughout this consultation process. Consultation with affected landowners must be prioritized by the City.

### Summary

For the reasons set out above, we request that this Committee refer this matter back to staff to reconsider the most effective way to implement the intentions of Bill 97 and the new PPS, and to involve affected landowners in these discussions. We further ask to be notified of any further decisions made by this Committee or Council in connection with this matter.

Yours truly,

AIRD & BERLIS LLP



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