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June 29, 2023

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City of Toronto  
Planning and Housing Committee  
100 Queen Street West, 10<sup>th</sup> Floor, West Tower  
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Sent by email: [phc@toronto.ca](mailto:phc@toronto.ca)

**RE: PH5.2 – OFFICIAL PLAN AMENDMENT FOR BILL 97 TRANSITION  
CITY OF TORONTO OFFICIAL PLAN AMENDMENT 668  
HOME DEPOT OF CANADA INC.  
OUR FILE: 9316HA-37**

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On behalf of our client, Home Depot of Canada Inc. ("Home Depot"), we are providing this letter regarding the City of Toronto Draft Official Plan Amendment (herein after "OPA 668"), specifically relative to our client's existing sites and store operations in the City of Toronto within *General Employment Areas*, which includes the following sites:

1. Leaside (Store #7073) – 101 Wicksteed Avenue
2. Curity (Store #7012) – 7 Curity Avenue
3. Caledonia (Store #7134) – 825 Caledonia Road
4. Yorkdale (Store #7129) – 90 Billy Bishop Way (*note: proposed to be converted through OPA 591*)
5. Dufferin (Store #7078) – 2375 Steeles Avenue West
6. Morningside (Store #7027) – 60 Grand Marshall Drive
7. Rexdale (Store #7114) – 1983 Kipling Avenue

OPA 668 is amending Section 4.6 Employment Areas by adding a new policy "Continuation of Permitted Use" within Core Employment Areas and General Employment Areas, which is not an existing policy in the current City of Toronto Official Plan.

Given the proposed changes to the Official Plan designations for the several sites, the existing Home Depot Stores would effectively become legal non-conforming use based on the current draft OPA 668 given the exclusion of the existing major retail permissions for these sites by proposed Policy 4.6.1.1. Our client is concerned that this change in permission will exclude it from updating / retrofitting or redeveloping their properties which include their existing permissions for major retail uses.

There should be no exclusion of these uses, nor should there be any additional restrictions placed on the existing Home Depot sites, as this would substantively impact and impede Home Depot's existing and future operations. Many of these stores have been existing and operating for an extensive time frame without impact to surrounding Employment Areas.

Considering Bill 97 (specifically Subsection 1(1) with the new definition of "Area of Employment" and Subsections 1(1.1) and (1.2) authorizing the proposed transition provisions), and the Provincial Planning Statement (2023) are not yet in full force and effect and no regulations have been issued, it is premature for the City to pass OPA 668 in our opinion.

Further, while Bill 97 grants the City the ability to implement transition provisions via an OPA, the City's current approach in OPA 668, which encompasses all lands within the City containing institutional and commercial areas unrelated to manufacturing and industrial purposes, would hinder the Province's objectives and specifically would require our client to go through a conversion process should it wish to redevelop its properties when retail uses (including major retail uses) are proposed. The discretion to implement transition provisions should be exercised frugally and in a case-by-case manner to effectively carry out the province's intentions. If OPA 668 is approved, it would essentially nullify the implication of the new definition of "Area of Employment."

***We therefore request the Planning and Housing Committee defer this matter for future review and consultation. Should the City proceed with OPA 668, we would request it be modified to clearly state that uses which existed prior to OPA 668 being approved are legally conforming and permitted in perpetuity such that our clients existing and future operations are not extinguished or otherwise hampered.***

We kindly request to receive notifications regarding any decisions made by the City Council or Committee of Council pertaining to this matter.

If you have any further questions, please do not hesitate to contact the undersigned.

Thank you.

Yours truly,

**MHBC**



David A. McKay, MSc, MLAI, MCIP, RPP  
Vice President & Partner

*cc. Client*