



July 4, 2023

Email: [phc@toronto.ca](mailto:phc@toronto.ca)

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

sleisk@cassels.com

tel: +1 416 869 5411

fax: +1 416 360 8877

file #055922-00001

Attention: Nancy Martins, Committee  
Administrator

**Re: 2023.PH5.2 Official Plan Amendment for Bill 97 Transition – Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas Planning and Housing Committee | July 5, 2023  
2450 Finch Avenue West Inc. | 2450 Finch Avenue West, Toronto**

We are counsel to 2450 Finch Avenue West Inc., the owner of the property municipally known as 2450 Finch Avenue West (the “**Subject Property**”). The Subject Property is subject to an employment conversion request, which will be considered at this Committee’s July 5, 2023 meeting (Item 2023.PH5.3). Correspondence related to that Item’s consideration is being filed separately. Our client is actively monitoring the progress of the City’s proposed response to Bill 97 through the proposed introduction of Official Plan Amendment 688 purporting to authorize continuation of institutional and commercial uses in employment areas (Item 2023.PH5.2), and this correspondence is being filed to note our client’s concerns with same.

On June 13, 2023, Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, received Royal Assent. Among other matters, Bill 97 scoped the definition of “area of employment” to traditional manufacturing, warehousing or related uses, and confirmed that office, retail and institutional uses are not business and economic uses for the purposes of the new definition, unless tied to manufacturing, warehousing or related uses. This change is to support the draft new Provincial Planning Statement 2023, which similarly limits what areas are to be considered areas of employment, and encourages mixed use development, including residential, outside of these areas to support complete communities. The draft Provincial Planning Statement confirms that municipal official plans shall not contain provisions that are more restrictive on the use of such lands. Transition provisions were added to confirm that an area of employment may include existing legally established uses, but that areas of employment may not otherwise permit this broader category of uses.

The City’s staff report recommends official plan amendments coming forth now and broader amendments in the fall which purport to protect all core and general employment lands in the

City as areas of employment, despite their current, broader mix of uses, contrary to the provincial direction to genuinely limit areas of employment to heavy industrial uses, particularly close to goods movement corridors, while making more land available for development.

As it relates to the Subject Property, our client is particularly concerned. In light of the Province's clear direction, the Subject Property is not an area of employment. Notably, the Subject Property currently hosts a grocery store, electronics store, furniture store, appliance store, hair salon, and auto repair shop – no heavy industrial uses. Also, it is in close proximity to rapid transit, falling within two major transit station areas, both of which were delineated as protected major transit station areas through the City's Official Plan Amendment 570, currently before the Province for approval. It is not close to a goods movement corridor, but rather thanks to its proximity to transit, constitutes land ripe for development.

We request notice of all further meetings and decisions related to this item. Please provide such notice to the undersigned.

Yours truly,

Cassels Brock & Blackwell LLP



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