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VIA EMAIL

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

Attention: Nancy Martins (phc@toronto.ca)

Dear Members of the Planning and Housing Committee:

**RE: Item PH5.2
Official Plan Amendment for Bill 97 Transition
Authorizing the Continuation of Institutional and Commercial Uses in Employment
Areas – Final Report**

We are the lawyers for the Sorbara Group and affiliated entities with respect to properties generally located on the east side of Keele Street south of Finch Avenue. In addition to our own correspondence, our client has also been represented with respect to these properties through its planning consultant WND Associates. The properties in question are: 3765-3777 Keele Street and 10 Lepage Court. Previous submissions have also been made in respect of 3885 Keele Street, owned by Joseph and Maria Rosa Cattana.

We are writing to express our client's concern with the proposed Official Plan Amendment that, in our view, undermines the legislative intent and policy direction behind the Province's recent Bill 97 amendment for "areas of employment".

The Sorbara Group properties on Keele Street and Lepage Court noted above are the subject of a conversion request to the City being considered in Planning and Housing Committee Item PH5.3. WND Associates has submitted correspondence dated July 4, 2023 for that item. We adopt the conclusions of those submissions that these properties ought to be supported for conversion to *Mixed Use Areas* or *Regeneration Areas*.

However, in addition to the site-specific attributes of these properties, regard should be had to the purpose of Bill 97 to refine the definition of "areas of employment" that, under the *Planning Act*, have heightened protections for conversions to other uses. Bill 97 confirms that, from a provincial policy standpoint, office, retail, and institutional uses should not be considered as business and economic uses akin to manufacturing and warehousing uses that attract the protections of the *Planning Act*.

The Bill 97 change to the definition of "areas of employment" supports the development of mixed use, complete communities, that may include residential uses, while protecting traditional

employment areas and uses. This direction is also contained in the draft *Provincial Planning Statement, 2023*.

Although Bill 97 does permit a municipality to enact certain protections in respect of lawfully established uses that exist within employment areas, the proposed Official Plan Amendment applies that protection overly broadly and without any satisfactory planning rationale to determine whether such protections should be applied on any given lands. This approach in the proposed Official Plan Amendment provides no contextual analysis and thwarts the legislature's intention and provincial policy direction to encourage mixed use development in appropriate situations. The proposed Official Plan Amendment simply wraps up all properties that would have been caught by the older definition of "areas of employment" in a transition "loophole", as if Bill 97 had never been enacted.

Otherwise put, whereas Bill 97 clearly reflects an intention to limit the scope of uses that fall within the protections of an area of employment, the proposed Official Plan Amendment attempts to preserve the status quo.

Furthermore, we understand that additional Official Plan Amendments will be brought forward in the Fall, which seek to review the permitted uses within the City's "areas of employment". Firstly, we are concerned that the currently proposed Official Plan Amendment is premature if a broader review of permitted uses in employment areas is intended. Additionally, we are concerned that if a similar approach is taken to these forthcoming Official Plan Amendments as has been taken to this transitional Official Plan Amendment under Bill 97, what could result is the removal of, or undue restrictions placed on, certain uses that are currently permitted (such as institutional and non-manufacturing commercial uses) in order to artificially shelter such lands from consideration for an appropriate mix of uses in accordance with provincial policy.

We urge the Planning and Housing Committee and City Council not to adopt the proposed Official Plan Amendment in its current form.

We request notice of all further meetings and decisions related to this item. Our contact information is provided herein.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner