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November 30, 2023

Chair Perks and Members of Planning and Housing Committee

City of Toronto
100 Queen Street West, 10th Floor, West Tower
Toronto, Ontario
M5H 2N2

Sent by email: phc@toronto.ca

Dear Chair Perks and Members of Planning and Housing Committee:

**RE: PH8.14 – CITY OF TORONTO OFFICIAL PLAN AMENDMENT 680
MORGUARD CORPORATION
OUR FILE: 9519U**

On behalf of our client, Morguard Corporation (“Morguard”), we are providing this letter regarding the City of Toronto Draft Official Plan Amendment (hereinafter “OPA 680”), specifically relative to our client’s existing sites and facility operations in the City of Toronto within *Employment Areas*:

- 1) 1875 Leslie Street
- 2) 200 Yorkland
- 3) 279 Yorkland
- 4) 285 Yorkland
- 5) 2041-2051 McCowan Road
- 6) 2101-2111 McCowan Road
- 7) 2121-2151 McCowan Road
- 8) 951 Milner Ave (PINs 06192-0140, 06192-0041 and 06192-0042) & PIN 06192-0228 (adjacent to 60 Auto Mall Drive)
- 9) 945 Wilson Avenue

Morguard’s properties contain a mix of industrial, office, retail, service commercial and automotive uses, all of which are currently permitted in the City’s *Employment Areas*. As discussed in the staff report, OPA 680 proposes various amendments to Official Plan *Employment Areas* policies in Chapter 2, 3 and 4 of the City of Toronto Official Plan. Specifically these changes would limit permitted office, service commercial and retail uses within Employment Areas to only those which are ancillary to industrial, warehousing and other *Core Employment Area* uses.

Earlier this year, the Province introduced new policy and legislative changes to amend various employment related policies to bring the City of Toronto Official Plan into alignment with the definition of “Area of Employment” in the Planning Act, as amended by Bill 97. It is our understanding that the intent behind this legislative change was to remove office, retail and institutional uses as being protected as “Area of Employment” rather than revoking use permissions. This distinction is crucial. The proposed amendment

appears to misinterpret the original intent, leading to unnecessary restrictions on these uses and ultimately leading to the sites becoming a legal non-conforming use.

Morguard does not believe that the changes proposed by City staff are appropriate nor what the Province intended as noted above. Doing so could lead to a detrimental impact on its properties and the ongoing operations and services its tenants provide within *Employment Areas*. Further, it effectively removes the distinction between the *Core Employment Areas* and *General Employment Areas* designations, rendering the latter meaningless – again this is not the intention of Bill 97 from our understanding. It would also have a detrimental and undermining impact on such *Employment Area* initiatives that have been successfully implemented using broad employment uses (including retail and offices), such as the Castlefield-Caledonia Design District, the Geary Works area and the ConsumersNext area (where the Yorkland Properties noted above are located).

Lastly, by effectively rendering sites as “legally non-conforming” through this initiative (as the Zoning By-laws will need to be updated to conform to Official Plan policy), our client is concerned that their ability to mortgage and further investment in these properties will be undermined by this unnecessary new policy regime. This will have a tremendously negative impact on these properties, undermining other key economic development policies and initiatives of the City.

We find that the current approach taken by City staff is an overreaction that has not fully considered the implications for landowners, retail and building industries, the general public and other stakeholders. A decision of this scale requires a more inclusive dialogue, ensuring that all affected parties have the opportunity to provide input and that the City fully understands the impact of such changes.

We therefore request the Planning and Housing Committee defer this matter for future review and consultation. Should the City proceed with OPA 680, we would request it be modified to clearly state that uses which existed prior to OPA 680 being approved are legally conforming and permitted in perpetuity such that our clients existing and future operations are not extinguished or otherwise hampered.

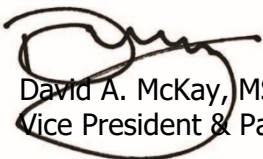
We kindly request to receive notifications regarding any decisions made by the City Council or Committee of Council pertaining to this matter.

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. Clients