

November 29, 2023

By E-Mail

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

Email: phc@toronto.ca

Dear Members of the Planning and Housing Committee:

**Re: Item PH8.14 - Directions to Amend Official Plan Employment Area Policies:  
Proposals Report (OPA 680)  
Planning and Housing Committee Meeting November 30, 2023**

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We represent Rowbry Holdings Limited with respect to the lands municipally known as 1125A, 1131 and 1131A Leslie Street, Toronto (“**Property**”). On behalf of our client, 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 designated *Employment Areas*, we wrote to Council earlier this summer to express concerns with the City’s previously adopted (but not yet enacted) OPA 668. It was our position that OPA 668 is premature, contrary to the intentions of Bill 97, and unclear with respect to the treatment of and continuation of lawfully existing uses. A copy of our letter, dated June 29, 2023 is attached.

We are disappointed to have read the Proposals Report on OPA 680 (the “**Staff Report**”) that presents draft policy directions that continue to ignore these concerns.

As stated in our previous submission, the 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 not included in this definition for the purposes of exempting lands with such uses from employment protection policies and to allow for the introduction of residential uses to encourage mixed-use development and complete communities.

To implement Bill 97, the City should be amending the Official Plan to remove lands with office, retail and institution uses from *Employment Areas*. Instead, OPA 680 undermines Bill 97 by proposing to eliminate existing office, retail and institutional use permissions in *Employment Areas* in order to continue to apply the restrictive employment protection policies to such lands. As a result, these amendments would render such uses as legal non-conforming and undermine further investment in such facilities. At the same time, OPA 680 would preclude the construction of much needed housing in existing employment areas that can accommodate residential and mixed-use development.

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In the case of our client's Property, OPA 680 will effectively sterilize its redevelopment potential by precluding both the replacement of the office space in a new modern format and the introduction of residential uses. Designated as *General Employment Area*, the Property is currently underutilized with 1-storey service commercial and 6-storey office buildings that were constructed 40 years ago. With the proximity of the Sunnybrook Park Crosstown station, there is a clear opportunity for the redevelopment of the Property into a mixed-use community with residential uses and new office space.

For the reasons set out above and in our previous submission, we request that this Committee (1) refer this matter back to staff; (2) direct staff to reconsider the proposed Official Plan amendments in light of the province's intention of Bill 97; and (3) direct staff to bring forth a report only once Bill 97 and the new Provincial Planning Statement come into force.

We ask to be added to the City's mailing list in connection with this matter and be notified of any further decisions made by this Committee or Council.

Yours truly,

AIRD & BERLIS LLP



Maggie Bassani  
Partner

MB  
Attachment  
55153943.1

AIRD BERLIS

# AIRD BERLIS

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June 29, 2023

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

Dear Members of Planning and Housing Committee:

**Re: Item 2023.PH5.2 - Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas - Final Report**

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We represent Rowbry Holdings Limited with respect to the lands municipally known as 1125A, 1131 and 1131A Leslie Street, Toronto (the "Property").

On behalf of our client, we have reviewed the Final Staff Report, dated June 19, 2023, with respect to the proposed Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas ("Draft OPA 668"), to be considered by the Planning and Housing Committee at its meeting on July 5, 2023. We write to convey our client's concerns with Draft OPA 668.

## **Background**

The Property is approximately 4.8 acres with significant frontage along Leslie Street. The Property has exceptional access to higher order transit as it is located within 800 metres of the Sunnybrook Park Crosstown station and the Science Centre Crosstown/Ontario Line station.

The Property is part of a larger remnant employment area where a number of conversions have been approved and is currently under-utilized with a 1-storey service commercial building and 6-storey office building. Constructed about 40 years ago, the existing buildings no longer meet today's office space standards, including with respect to layout, design, ceiling heights, and efficiency, which contributes to the declining function of the employment area along Leslie Street.

On July 30, 2021, our client submitted an employment conversion request for the Property, together with the owners of the lands located at 1125, 1125A to 1131A, 1135 and 1355 Leslie Street, as part of the City's municipal comprehensive review (request #68). The requested conversion would allow for the revitalization of the area and include a mix of residential and non-residential (employment) uses in support of transit infrastructure investment. On January 27, 2022, our client revised the scope of its conversion request to only include the lands located at 1125 and 1125A to 1131A Leslie Street. On May 13, 2022, our client submitted updated materials in support of its conversion request.

**Concerns with respect to Draft Official Plan Amendment 668**

**Draft Official Plan Amendment 668 is Premature**

City Council's consideration and adoption of Draft OPA 668 at this time is premature and inappropriate given that the relevant sections of Bill 97 (being 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 new proposed Provincial Planning Statement ("PPS 2023") are not yet in force and in effect.

Until Bill 97 and PPS 2023 are fully in force, there could potentially be further amendments made to the *Planning Act* and PPS 2023. Accordingly, City staff should not be rushing to bring forward these transition provisions.

**Draft Official Plan Amendment 668 is Contrary to the Intention of Bill 97**

Draft OPA 668 is contrary to the province's intention behind the new scoped definition of "Area of Employment", which is to facilitate the delivery of much-needed housing in existing institutional and commercial areas not associated with manufacturing and industrial uses. Under the new definition, these areas would no longer be subject to employment conversion requirements.

Although Bill 97 allows the City to adopt transition provisions through an Official Plan Amendment, the City's "blanket" approach to Draft OPA 668 (i.e. capturing all lands in the City with existing institutional and commercial areas not associated with manufacturing and industrial uses) would frustrate the province's objective and simply maintain the status quo as it relates to introduction of residential uses in employment lands by requiring landowners to proceed through a conversion process. The authority to adopt transition provisions ought to be used sparingly and on a site-specific basis, in order to implement the province's intention. Draft OPA 668, if adopted, would render the new definition of "Area of Employment" to be meaningless.

**Conclusion**

As proposed by staff, it is our opinion that Draft OPA 668 does not represent good planning.

For the reasons stated above, we request that Planning and Housing Committee (1) refer this matter back to staff, (2) direct staff to reconsider the "blanket" approach of Draft OPA 668 and (3) direct staff to bring forth a recommendation report only once the new definition of "Area of Employment" and PPS 2023 are in force.

We ask to be notified of any decisions made by City Council, or Committee of Council, in connection with this matter.

Yours truly,

AIRD & BERLIS LLP



Maggie Bassani  
MB

cc: Client

AIRD BERLIS