

November 29, 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](mailto:phc@toronto.ca)

Dear Chair Perks and Members of Planning and Housing Committee:

**RE: PH8.14 – CITY OF TORONTO OFFICIAL PLAN AMENDMENT 680  
TONLU HOLDINGS LIMITED  
340-364 EVANS AVE. & 12-16 ARNOLD STREET, ETOBICOKE**

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On behalf of our client, Tonlu Holdings Limited (“Tonlu”), we are writing to express their concerns in regards to City of Toronto Draft Official Plan Amendment (hereinafter “OPA 680”) as it affects their landholdings located at 340-364 Evans Avenue and 12-16 Arnold Street in Etobicoke (the “Subject Lands”).

The Subject Lands contain a mix of retail, service commercial and office uses and therefore this initiative has severely impacts on the Subject Lands. As Planning and Housing Committee may recall the Subject Lands were subject to an Employment Conversion request to allow mixed use development which was rejected by Council in October 2023.

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 and retail uses within Employment Areas to only those which are ancillary to industrial, warehousing and other Core Employment Area uses.

Through Bill 97, the Province introduced new legislative changes to the definition of “Area of Employment” in the Planning Act. Municipalities, including Toronto, would be required to amend their Official Plans to implement this change in definition. 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 site becoming legal non-conforming.

Tonlu does not believe that the changes proposed by City staff are appropriate nor what the Province intended as noted above for the following reasons:

1. Doing so could lead to a detrimental impact on its properties and the ongoing operations and services its tenants provide within Employment Areas.
2. OPA 680 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.
3. It would have a detrimental and undermining impact on such Employment Area initiatives that have been successfully implemented using broad employment uses (including retail and offices).
4. By 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 invest in these properties will be undermined by this unwanted new status. This will have a tremendously negative impact on these properties, undermining other key economic development policies and initiatives of the City.

The above comments are not theoretical, but are a real and substantial issue for the Subject Lands that largely consist of retail, service commercial and office uses.

The current approach taken by City staff is an overreaction in our opinion. It 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.

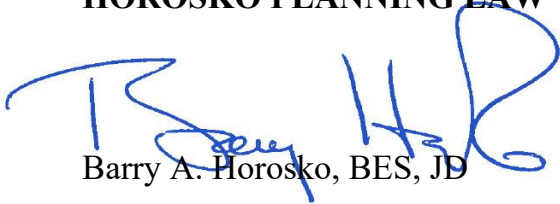
We therefore request the Planning and Housing Committee defer this matter for future review and consultation. Should the City proceed with OPA 680, we would request it be modified to clearly state that uses which existed prior to OPA 680 being approved are legally conforming and permitted in perpetuity 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.

Thank you.

Yours truly,

**HOROSKO PLANNING LAW**

A handwritten signature in blue ink, appearing to read 'Barry Horosko', is written over the printed name below.

Barry A. Horosko, BES, JD

cc: Clients  
D. McKay