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Our File No.: 000031

Delivered Via Email

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

Attention: Nancy Martins (phc@toronto.ca)

Dear Sirs/Mesdames:

**Re: Item No. PH8.14 – Directions to Amend Official Plan Employment Area Policies
Proposed Official Plan Amendment No. 680**

We are solicitors for SmartCentres REIT, which along with its affiliated companies have interests in various properties throughout the City of Toronto. In particular, our client and its affiliated companies have numerous properties predominantly occupied by retail and office uses that are designated as *Employment Areas* in the City of Official Plan. We are writing to provide our client's comments regarding the proposed policy direction for Official Plan Amendment No. 680 (“**OPA 680**”).

The proposed policy direction for OPA 680 is directly contrary to the legislative intent of Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*), which received Royal Assent on June 13, 2023. Bill 97 specifically narrowed the definition of “area of employment” to traditional manufacturing, warehousing and related uses. At the same time, Bill 97 confirmed that office, retail and institutional uses are not business and economic uses, unless directly associated with manufacturing, warehousing or related uses. This new definition is linked to the draft new *Provincial Policy Statement*, which similarly limits the scope of areas of employment.

The intent of Bill 97 and the new *Provincial Policy Statement* is clear. Areas subject to employment conversion policies and statutory provisions are limited to areas with traditional manufacturing, warehousing or related uses. At the same time, mixed use development is to be encouraged outside of these areas to support complete communities.

The policy direction that the City should take would be to consider what lands within the City truly meet the new definition of area of employment. Instead, the proposed policy direction for OPA 680 is to remove existing land use permissions from all of the City's employment areas without examining whether it is appropriate to do so. This would effectively prevent consideration of

expanded development opportunities in accordance with Bill 97 to meet provincial and municipal forecasts while negatively impacting the existing planning function of many of those areas. Further, it essentially removes any distinction between lands designated as *Core Employment Areas* and *General Employment Areas*.

At a high level, our client has a number of properties that would be negatively impacted by the removal of existing use permissions. Many of these uses have existed and operated for a significant period of time without impact on surrounding lands. Not only would the City initiative lead to detrimental impacts on existing operations and services but also it would discourage reinvestment given the resulting legal non-conforming status at a policy level. The City initiative is also at odds with initiatives in certain *City Employment Areas* with specific direction for a broad list of permitted uses, including retail and office uses.

On behalf of our client, we respectfully request that Planning and Housing Committee reject the proposed policy direction for OPA 680 and, instead, direct City staff to review all existing lands designated as *Employment Areas*, determine which of these areas meet the new definition of area of employment, and consider the resulting appropriate land use permissions.

We would also appreciate being included on the City notice list related to this matter.

Yours truly,

Goodmans LLP



David Bronskill
DJB/

cc. Client