

Amending Item 2024.PH14.1 in response to Bill 97 Proclamation- Employment Area Land Use Permissions - Official Plan Amendment 680

Date: October 2, 2024

To: City Council

From: City Solicitor

Wards: All Wards

SUMMARY

On July 24, 2024, City Council adopted Item PH14.1, which included Official Plan Amendment 680. OPA 680 amends various Employment Area related policies to bring the Official Plan into alignment with the provincial definition of "Area of Employment" in the *Planning Act*, as amended by Bill 97 the *Helping Homebuyers, Protecting Tenants Act* ("Bill 97"). Council adopted recommendations which included a phased approach to the introduction of the bill for OPA 680 at a future date.

Since the adoption of Item PH14.1, the province announced on August 20, 2024, an October 20, 2024 proclamation date for Bill 97 as it pertains to the amended definition of "Area of Employment". With more certainty around this timing and process, a phased approach to bill introduction is no longer recommended. The City Solicitor recommends that City Council authorize the enactment of the OPA 680 bill at this Council meeting.

DECISION HISTORY

On April 6, 2023, the Province introduced Bill 97. Among other changes, Bill 97 amends the definition of "Area of Employment" in the *Planning Act* by narrowing the scope of uses from what is currently permitted in an "Area of Employment". In particular, it would expressly exclude from the definition all types of institutional uses and commercial uses, except for retail and office uses that are associated with manufacturing, warehousing and research and development in connection with manufacturing.

City staff have recommended two official plan amendments (Official Plan Amendments 668 and 680) required to implement these changes, which were both adopted by City Council but the bills were withheld until a future date set out in the recommendations.

Item PH14.1 adopted by City Council on July 24, 2024 can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH14.1>

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council amend its previous decision on Item 2024.PH14.1 by deleting part 2:

Part to be deleted:

2. City Council direct the City Solicitor to withhold the introduction of the necessary Bills until such time as:

- a. Subsection 1(1) of the *Planning Act*, as amended by Bill 97, has been proclaimed and is in full force and effect; and
- b. Official Plan Amendment 668 is in full force and effect with the exception of any outstanding site-specific appeals.

2. City Council direct the City Solicitor to submit the necessary bills at the October 9, 10, and 11, 2024, meeting of City Council.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Recommendations beyond what has already been approved in the current year's budget.

CONTACT

Adrienne deBacker, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5412; Fax: (416) 397-5624; Email: adrienne.debacker@toronto.ca

Cameron McKeich, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-4891; Fax: (416) 397-5624; Email: cameron.mckeich@toronto.ca

SIGNATURE

Sharmila Clark, Acting City Solicitor
On behalf of Wendy Walberg, City Solicitor