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Our File No.: 085128-00002

July 15, 2024

**VIA EMAIL: [citycouncil@toronto.ca](mailto:citycouncil@toronto.ca)**

City Clerk's Office  
2nd Floor West Tower  
Toronto City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

Dear Mayor and Members of Council

**Re:** Item No. PH 14.1 – Employment Area Land Use Permissions- Decision Report

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We are writing this letter on behalf of our client, the Sunray Group, which is the owner of many properties throughout the City of Toronto (list of registered owners of specific properties provided below). On their behalf, we have been monitoring the City's proposed response to the Province's Bill 97 and the updated definition of *areas of employment* that it introduces into the *Planning Act*.

Our client provided a written submission (copy attached) when this proposed Official Plan Amendment No. 680 ("**proposed OPA 680**") was first brought forward and we note that our client's suggested revisions to the policy and consultation process have not occurred and therefore, we unfortunately need to provide this submission.

More particularly, we are writing in response to the Planning and Housing Committee's adopted recommendations on July 11, 2024, and to speak to the Report from the Interim Chief Planner and Executive Director, City Planning (being the "**Decision Report**") that was before the Committee.

Our client fully supports the Province's direction to municipalities to undertake a local-based analysis of existing uses that are not considered employment uses and therefore, do not require special protection that they presently enjoy. This local analysis is of critical importance to our client, as well as many others.

Unfortunately, we also have to express our client's objections with respect to the Decision Report as City Staff's policy direction, as expressed through the proposed OPA 680 runs counter to the clear intention of the Province. The City should be putting its efforts behind protecting industrial and warehouse lands, and not freezing lands that contain uses such as hotels, shelters and office space.

Page 2

## BACKGROUND

We have been monitoring the City's response to Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*). Along with many other landowners our client is concerned with the City's previously adopted (not yet enacted) OPA 668 as well as OPA 680. Similar to OPA 668 (which our client made a submission on), the proposed response of City Planning is contrary to the Province's intentions respecting Bill 97 and is concerning in terms of the treatment of and continuation of lawfully existing uses that require the ability to transition.

A number of our client's properties are designated as *General Employment Areas* within the City's Official Plan, but the actual uses that are taking place, (shelters, hotels, office space etc.) are now correctly recognized as not being a true "employment use" as envisioned by the Province of Ontario.

Like many other property owners, we wrote to City Council in the summer of 2023 to express concerns with the City's previously adopted (but not yet enacted) OPA 668. Among other things, we argued that OPA 668 was not only premature, it was more significantly contrary to the intentions of Bill 97, and was unclear with respect to the treatment of and continuation of lawfully existing uses.

We are disappointed to have read the Directions Report that presents draft policy directions that continue to ignore these stated concerns. The clear intention of Bill 97 and the new definition of *areas of employment* is to "recognize and protect" employment areas to traditional manufacturing, warehousing or related uses. Office, retail, hotel and institutional uses are explicitly not included in this definition, signaling an intention by the Province to exclude these uses from the City's "General Employment Area" and "Core Employment Area" designations. Bill 97 specifically narrowed the definition of *Areas of Employment*. 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. In our client's situation, the uses of properties such as 1611 Wilson Avenue, 55 Hallcrown Place and 185 Yorkland Boulevard consist of hotel, office, and shelter space.

The intention of Bill 97 and the new Provincial Policy Statement is clear as areas subject to employment conversion policies are to be limited to areas with traditional manufacturing, warehousing, or related uses, which does not apply to our client's properties (and the surrounding area). Instead, these properties are much better characterized and suited for vibrant, mixed use developments that can address much needed housing while also providing space for compatible non-residential uses such as hotels, offices and retail development. We specifically highlight our client's properties at 55 Hallcrown Place and 185 Yorkland Boulevard as examples. They are areas surrounded by low intensity office use, institutional uses, and surface parking lots. However, City Planning has chosen to not recognize this required evolution of uses.

This policy direction from the Province provides direction (and opportunity) for the City (and every municipality in the Province) to re-evaluate its existing stock of employment lands, to undertake a detailed assessment of the appropriateness of the "General Employment Areas" and "Core Employment Areas" designations on lands which are currently planned and used for office, retail and institution uses, and to determine whether areas sites should appropriately be redesignated given the new statutory definition of *Areas of Employment* and the policy framework proposed in the new Provincial Planning Statement.

The recommended policy direction advanced through the Direction Report is a direct attempt by City staff to circumvent the Province's intentions and it serves to be a missed opportunity to truly evaluate, within an area wide context, the best future use which likely includes residential or mixed use. The Directions Report and OPA 680 represent a misapprehension of the intent of the legislation, and a missed opportunity to improve the function of both the City's Employment Lands and the surrounding lands that service them.

Rather than consider what lands within the City should truly be considered areas of employment, the proposed approach is to remove existing land use permissions from all of the City's employment areas (office for example)



Page 3

to maintain the status quo and prevent further consideration of expanded development opportunities to meet provincial and municipal goals, including providing for a broad range of employment activities, increasing housing supply, and planning for complete communities.

### Summary

For the reasons set out above, we request City Council direct City staff to respect the intent of Bill 97 and truly consult the affected stakeholders such as our client, by involving affected landowners in these discussions. We further ask to be notified of any further decisions made by this Committee or Council in connection with this matter.

### Impacted Properties and Registered Owner:

1677 Wilson Avenue	2656049 Ontario Inc.
55 Hallcrown Place	2447496 Ontario Inc.
185 Yorkland Boulevard	2608388 Ontario Inc.
2180 Islington Avenue	2554200 Ontario Inc.

Yours truly,

### Bennett Jones LLP

Per:

DocuSigned by:



Andrew Jeanrie  
C61975944F4A4D7...

Enclosure

cc: Client





Bennett Jones

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January 12, 2024

VIA EMAIL: [phc@toronto.ca](mailto:phc@toronto.ca)

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

Dear Chair Perks and Members of the Planning and Housing Committee:

**RE: Item No. PH8.14 – Directions to Amend Official Plan Employment Area Policies**  
**ADDRESSES: Multiple**  
**Sunray Group**

We are writing this letter on behalf of our client, the Sunray Group, which is the owner of many properties throughout the City of Toronto. On their behalf, 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*.

More particularly, we are writing in response to the Planning and Housing Committee's (the "**Committee**") adopted recommendations on November 30, 2023, and to speak to the Report from the Chief Planner and Executive Director, City Planning (being the "**Proposals Report**") that was before the Committee.

We wish to express that our client fully supports the recommendation of the Committee "to undertake a local-based analysis of existing uses..." and "to consult with "... other stakeholders". This is of critical importance to our client, as well as many others, as the Committee is no doubt aware given the numerous submissions that were made.

Unfortunately, we also have to express our client's concerns with respect to the Proposals Report as City Staff's position, as expressed through the proposed policy direction in Official Plan Amendment No. 680 ("**OPA 680**") runs counter to the clear intention of the Province. The City should be putting its efforts behind protecting industrial and warehouse lands, and not freezing lands that contain uses such as hotels, shelters and office space.

## BACKGROUND

We have been monitoring the City's response to Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*). Along with many other landowners our client is concerned with the City's previously adopted (not yet enacted) OPA 688 as well as OPA 680. Similar to OPA 668 (which our client made a submission on), the proposed response of City Planning is contrary to the Province's intentions respecting Bill 97, and is concerning in terms of the treatment of and continuation of lawfully existing uses that require the ability to transition.

A number of our client's properties are designated as *General Employment Areas* within the City's Official Plan, but the actual uses that are taking place, (shelters, hotels, office space etc.) are now recognized as not being a true "employment use" as envisioned by the Province of Ontario. Not only that, but many such properties are not appropriate for the more limited areas of employment envisioned by the Province, nor are they planned to be such areas under the current City of Toronto vision for the properties and wider areas.

Like many other property owners we wrote to City Council earlier this year to express concerns with the City's previously adopted (but not yet enacted) OPA 668. Among other things, we argued that OPA 668 was not only premature, it was more significantly contrary to the intentions of Bill 97, and was unclear with respect to the treatment of and continuation of lawfully existing uses.

We are disappointed to have read the Proposals Report that presents draft policy directions that continue to ignore these stated concerns. The clear intention of Bill 97 and the new definition of *Areas of Employment* is to "recognize and protect" employment areas to traditional manufacturing, warehousing or related uses. Office, retail, hotel and institutional uses are explicitly not included in this definition, signaling an intention by the Province to exclude these uses from the City's "General Employment Area" and "Core Employment Area" designations. Bill 97 specifically narrowed the definition of *Areas of Employment*. 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. In our client's situation, the uses of properties such as 1611 Wilson Avenue, 55 Hallcrown Place and 185 Yorkland Boulevard consist of hotel, office, and shelter space.

The intention of Bill 97 and the new Provincial Policy Statement is clear as areas subject to employment conversion policies are to be limited to areas with traditional manufacturing, warehousing, or related uses, which does not apply to our client's properties and the surrounding area. Instead, these properties are much better characterized and suited for vibrant, mixed use developments that can address much needed housing while also providing space for compatible non-residential uses such as hotels, offices and retail development. We specifically highlight our client's properties at 55 Hallcrown Place and 185 Yorkland Boulevard as examples. They are areas surrounded by low intensity office use, institutional uses, and surface parking lots. This area is known locally as Consumers Next and it is truly not an area to be protected for the non-existent industrial uses to materialize. However, City Planning has chosen to not recognize this required evolution of uses.

This policy direction from the Province provides direction (and opportunity) for the City (and every municipality in the Province) to re-evaluate its existing stock of employment lands, to undertake a detailed assessment of the appropriateness of the "General Employment Areas" and "Core Employment Areas" designations on lands which are currently planned and used for office, retail and institution uses, and to determine whether areas sites should appropriately be redesignated given the new statutory definition of *Areas of Employment* and the policy framework proposed in the new Provincial Planning Statement.

The recommended policy direction advanced through the Proposals Report appears to be a direct attempt by City staff to circumvent the Province's intentions and it serves to be a missed opportunity to truly evaluate, within an area wide context, the best future use which likely includes residential or mixed use. The Proposals Report and OPA 680 represent a misapprehension of the intent of the legislation, and a missed opportunity to improve the function of both the City's Employment Lands and the surrounding lands that service them.

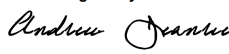
Rather than consider what lands within the City should truly be considered areas of employment, the proposed approach is to remove existing land use permissions from all of the City's employment areas (office for example) to maintain the status quo and prevent further consideration of expanded development opportunities to meet provincial and municipal goals, including providing for a broad range of employment activities, increasing housing supply, and planning for complete communities. We trust the Committee's recommendation respecting including a broad range of stakeholders, and direct staff to consider the appropriate boundaries for areas of employment, and the appropriate land use permissions therein, as directed by the Province. At the same time, the potential approach being considered for OPA 680 would preclude the construction of much-needed housing in areas that can accommodate mixed-use development as intended by Bill 97 and the new Provincial Policy Statement.

## Summary

For the reasons set out above, we request City staff to respect the direction of the Planning and Housing Committee and to truly consult the affected stakeholders such as our client, by involving affected landowners in these discussions. We further ask to be notified of any further decisions made by this Committee or Council in connection with this matter.

Yours truly,

### **BENNETT JONES LLP**

Per: DocuSigned by:  
  
CF1975944F4A4D7...  
Andrew Jeanrie

cc: Client  
City Planning