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**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 (related) clients 310 Dupont Inc. and AnX 1 GP Inc., being the owners of 310 Dupont Street and 316 Dupont Street, respectively (the "Properties"). 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*.

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 office and retail space.

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## 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, 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.

Our client's properties are designated as *General Employment Areas* within the City's Official Plan, but the actual uses that are taking place at 310 Dupont Street are office related and it will be office at the under construction 316 Dupont Street. In fact, these sites are not even suitable for the uses permitted in an Area of Employment – one is even an office component of a mixed-use building. In the Province's eyes these are now correctly recognized as not being a true "employment use" and don't require protection which is in contrast to OPA 680.

We are disappointed to have read the Directions Report which presents draft policy directions that continue to ignore the intentions of Bill 97. 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 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 310 Dupont Street and 316 Dupont Street would be more appropriately comprehensively reviewed by the City in consultation with our client. What will be found is that these two properties should be redesignated "Mixed Use Area" in order to assist the Province and City in providing much needed housing.

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.

This policy direction from the Province provides an opportunity for the City (and every municipality in the Province) to re-evaluate its existing stock of employment lands, and 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. The City is then to determine whether 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 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.



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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 specifically highlight our client's property at 316 Dupont Street as an example. The under-construction office building can be simply modified into neighbourhood supportive housing that will assist with creating a complete community.

The building is nestled between an office building to the east (310 Dupont Street) and an under construction mixed use building to the west. In fact, the building to the west has been designed to share features with the building at 316 Dupont Street and at this point in time can easily be converted to residential from office, but **this will require OPA 680 recognize the Province's intentions with Bill 97, which as presently drafted doesn't.**

Neither the 316 Dupont Street property, nor the immediate area, are appropriate for reverting to an industrial style use. The property is ripe for conversion to become a modern complete community.

The highest and best use of the property would be better served as mixed use development. Converting the property will allow the site to maximize its potential and the use of the extensive municipal infrastructure in the area, in sharp contrast to the existing state of the property (and the area). A vibrant mixed-use district will, in turn, further support the intensification of the employment uses in the area – employment, retail and institutional uses thrive in vibrant complete communities.

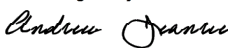
### Summary

For the reasons set out above, we request City Council direct City staff to respect the intent of Bill 97 and not adopt OPA 680 as presently drafted, 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.

Yours truly,

**Bennett Jones LLP**

Per:

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Andrew Jeanrie

cc: Client

