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July 19, 2024

VIA EMAIL: 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

We are writing this letter on behalf of our client, Pearl Group Growth Fund LP, an owner, through various affiliates, of a number of properties throughout the City of Toronto including:

Impacted Properties and Registered Owner:

20 Leslie Street

20 Leslie Street Inc.

96 Carlaw Avenue

96 Carlaw Avenue GP Co. Inc.

25-27 Mobile Drive

H. Bergel Enterprises Limited; Stag Construction Limited

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's first objection is to recommendation 1. Namely, our client requests Council **not adopt Official Plan Amendment 680** ("hereinafter **OPA 680**") in accordance with Attachment 1 to the report (June 24, 2024) from the Interim Chief Planner and Executive Director, City Planning, but to direct City Planning staff to revisit its strategy and align it with the Province's intentions.

Our client fully supports the Province's direction to municipalities to undertake a local-based analysis of existing



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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 retail 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 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, (office space and retail, etc.) are now correctly recognized as not being a true "employment use" as envisioned by the Province of Ontario.

As noted above, 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, 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 20 Leslie Street, 96 Carlaw Avenue and 25-27 Mobile Drive** should be able to transition.

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 number of properties throughout the City of Toronto. 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



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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 "counter punch" by City Planning staff in response to 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.

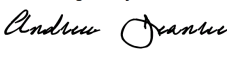
Summary

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.

Yours truly,

Bennett Jones LLP

Per:

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Andrew Jeanrie

cc: Client

