

July 23, 2024

**City Council**  
City of Toronto  
100 Queen Street West  
Toronto, ON M5H2N2

Via Email: [clerk@toronto.ca](mailto:clerk@toronto.ca)

**RE: City Council Meeting – July 24, 2024  
Agenda Item 14.1 – Employment Area Land Use  
Permissions – Decision Report – Approval  
Official Plan Amendment 680  
Official Plan Amendment 668**

Fotenn has been retained by Dymon Group (“Dymon”), the affiliate company of the registered owners of various properties within the City of Toronto (the “City”) as their land use planning consultants. For clarity, Fotenn makes this submission to Council on behalf of Dymon Group and each of the registered owners listed below (collectively “Dymon”), regarding the proposed policy direction for Official Plan Amendment 680 (“OPA 680”) and Official Plan Amendment 668 (“OPA 668”).

<b>Address</b>	<b>Registered Property Owner</b>
1460 The Queensway	1460 The Queensway Storage GP Corporation
850 York Mills	850 York Mills Storage GP Corporation
60 Estate Drive	60 Estate Storage GP Corporation
1 Mobile Drive	1 Mobile Storage GP Corporation
1370 Neilson Road	1370 Neilson Storage GP Corporation
743 Warden Ave	743 Warden Storage GP Corporation

We ask that this submission be brought to the attention of Members of Council in advance of the July 24, 2024 Council Meeting.

Background

Of Dymon’s six (6) sites within the City of Toronto, one is operational (1460 The Queensway), one is under construction (1 Mobile Drive) and the remaining 4 are in various stages of the planning process and anticipate development in the near future (850 York Mills, 60 Estate Drive, 1370 Neilson Road and 743 Warden Ave).

Dymon’s facilities are currently permitted uses within the definition of Employment Areas in both Core Employment Area and General

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Employment Area designations. Dymon is known primarily as a self-storage facility (warehouse use), however, it offers a range of uses as an extension of their business that adds value to employment areas and the business community. These include, but are not limited to, the following:

- Third party office (co-working space);
- Retail store
- Wine tasting
- Mailboxes
- Boardroom rentals
- Shredding

These additional uses are complimentary and necessary for the function of a Dymon storage facility, with numerous synergies between the uses within each building. For instance, users of a co-working space or a wine tasting facility may store inventory, documents materials and products within the storage lockers or may use the boardroom rentals. The retail uses are also designed to have direct synergies with the storage use by offering products associated with storage practices and storage solutions for lockers and otherwise.

On behalf Dymon, we are making this submission to outline its issues with OPA 680 and OPA 668, as proposed. There remains a number of questions and uncertainty as to how the proposed changes will affect Dymon's business operations, both existing and proposed.

#### Intent of Bill 97's Area of Employment Revised Definition

It is our understanding that the Province's intent, when enacting Bill 97, was to narrow the definition of "Areas of Employment" to manufacturing, warehousing and related uses. Office, retail and institutional uses are not included in the new definition of "Areas of Employment" in order to exempt lands with such uses from employment protections, in turn allowing for the introduction of residential uses to encourage mixed-used developments and complete communities without the requirement for a conversion request.

The draft forms of OPA 680 and OPA 668 move far beyond this objective, and over-regulate of the original intent behind the change in the definition.

Its well-intentioned efforts to maintain and protect areas of employment within the City, the proposed amendment provides uncertainty and unnecessary limitations to these areas that are no longer considered as part of protected Areas of Employment under the Province's revised definition. It would be more appropriate for the City to undertake a detailed review of the City's Employment Lands and determine which lands should be protected as "Areas of Employment" and redesignate those that are no longer considered as part of those areas to a more appropriate designation.

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### What is 'lawfully established'?

OPA 668 does not provide appropriate guidance on the definition and interpretation of “lawfully established”. We are concerned that this lack of clarity will stifle Dymon from expanding their existing operations and discourage reinvestment within their business.

Further, how will lawfully established be treated for properties that are not developed? As proposed, OPA 680 and OPA 668 effectively sterilize the redevelopment potential of Dymon’s properties.

Additional clarity needs to be provided to ensure that uses previously permitted by the definition of Area of Employment be allowed to not only continue but also to expand and be modified without the limitations that are usually considered for legal non-conforming uses. This will provide landowners and businesses with greater (and necessary) certainty and enable reinvestment into established businesses.

### Associated Office and Retail Components

While the warehouse use and its associated office and retail uses continue to be permitted within the revised definition of “Employment Areas”, it remains unclear whether the associated third party office (co-working) components of Dymon’s facilities would be considered as an office use associated with the principal self-storage warehouse use. The third-party office (co-working) space not only supports users of the self-storage facility, but other businesses within the business parks and the broader community. For instance, providing office and meeting space to businesses that may not have facilities available to them as well as providing business services such as shredding within close proximity to businesses.

Similarly, the Dymon reception areas are a combination of at-grade retail space and leasing facilities for the self-storage customers. As noted above, the retail portion of the ground floors sells, storage and similar products (e.g. boxes, tape, racks, etc.) but also other products associated with storage uses (e.g. closet and kitchen storage solutions, hangers, organizers, shelving, etc.). The ground-floor area also accommodates the service and leasing desks, and meeting rooms for the storage users.

Fotenn requests that further clarity be provided as to how the office and retail component of Dymon’s business will be interpreted under the revisions outlined in OPA 680. It is our opinion that third-party office, and the associated, ancillary retail areas are necessary and complimentary uses within the self-storage facilities, and same should be recognized in the transition policies of OPA 668.

As currently proposed, OPA 680 does not meet the legislative intent of Bill 97 and does not represent good land use planning. We ask that City Council reject OPA 680 as proposed, and direct staff to reconsider and OPA 668 and OPA 680 to address the

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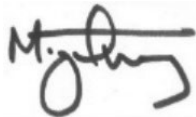
various outstanding concerns, and undertake a detailed review of the City's Employment Lands and determine which lands should be protected as "Areas of Employment" and redesignate those that are no longer considered as part of those areas to a more appropriate designation. We welcome the opportunity to further discuss the concerns raised in this letter with the City's Planning Staff.

We request to be included on the City's notice list regarding all decisions made by City Council regarding OPA 668 and OPA 680.

Sincerely,



Jennifer Maestre, MCIP RPP  
Associate



Miguel Tremblay, MCIP RPP  
Partner

Cc: Dymon  
Aaron Platt, Loopstra Nixon LLP

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