

July 23, 2024

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

Our File No. 155654

City Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2Attention: Sylwia Przewdziecki

Dear Mayor and Members of Council:

**Re: Item 2024.PH14.1 - Employment Area Land Use Permissions  
- Decision Report – Approval (OPA 680)  
City Council - July 24, 2024**

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**(i) Introduction**

Aird & Berlis LLP is counsel to Canada Lands Company CLC Limited (“**CLC**”) and Parc Downsview Park Inc. (“**PDP**”), an affiliate of CLC. Both CLC and PDP are Crown corporations owned, ultimately, by the Government of Canada. PDP is the owner of Downsview Park in the City of Toronto (the “**City**”), including the municipal addresses listed in Schedule A to this letter. PDP and CLC are responsible for over 500 acres of PDP land within the Downsview area. The within submissions are being made on behalf of both PDP and CLC.

The PDP lands fall within the updated Downsview Secondary Plan (“**OPA 716**”), which was approved by City Council on May 22, 2024. OPA 716 is intended to facilitate a 30-year build-out in the Downsview Secondary Plan Area that will accommodate approximately 115,000 new residents (63,000 units) and 52,000 workers, representing one of the largest city-building efforts in the history of Toronto.

**(ii) Comments with Proposed OPA 680**

We are writing on behalf of CLC and PDP to provide comments on Item PH14.1 regarding the Report titled “Employment Area Land Use Permissions - Decision Report – Approval” (June 24, 2024) (the “**Staff Report**”) and the accompanying proposed Official Plan Amendment No. 680 (“**OPA 680**”) appended as Attachment 1 to the Staff Report. A number of the PDP lands are designated as *Employment* and OPA 716 enshrined a wide array of non-residential uses for these PDP lands. For example, in the case of the Park Commons District in which a part of PDP’s lands are located, these non-residential uses include low density, park supportive non-residential uses such as education, arts, culture and sports facilities. These uses contribute to realizing the City’s recently stated vision for the Downsview area as an area that will accommodate a significant amount of new housing and employment growth that contributes to the local and regional economy, along with equitable distribution of parks.

Insufficient clarification is provided in proposed OPA 680 with respect to the status of Secondary Plans, such as OPA 716, and which provide for a range of non-residential land uses in

*Employment* designated areas, which are not permitted pursuant to the policies intended to be amended by proposed OPA 680.

The intended phasing of proposed OPA 680 and Official Plan Amendment 668 (“**OPA 668**”) also does not provide sufficient clarity regarding the interpretation of “lawfully established” uses, and proposed OPA 680 does not provide any further guidance regarding the concept of “lawfully established” uses within the context of Official Plan policy and designations. This lack of guidance results in a lack of clarity regarding the intended application of the proposed policies. Proposed OPA 680, in conjunction with OPA 668, should clarify that uses that are permitted by policy (such as OPA 716), though they may not currently exist on the site, are included in the definition of “lawfully existing”.

Furthermore, approving proposed OPA 680 is premature in advance of the implementation of a supporting planning policy framework through the proposed Provincial Planning Statement (the ‘**Proposed PPS**’). The updated Proposed PPS was released for review on April 10, 2024 and public consultation and comment on the Environmental Registry of Ontario was open until May 12, 2024.

### **(iii) Conclusion**

For the reasons above, it is our respectful submission that proposed OPA 680 will result in restrictions on uses permitted within existing *Employment* areas. Notwithstanding the attempt in proposed OPA 680 to recognize “lawfully established” uses, the proposed policies as drafted fail to appropriately accommodate existing permissions such as those applicable to the PDP lands through OPA 716. As a result, we respectfully recommend that City Council direct proposed OPA 680 back to City staff for further review and consultation with affected landowners and stakeholders, including PDP and CLC.

Yours truly,

AIRD & BERLIS LLP



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EPKC/AJS/NM/gg  
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## Schedule A

70 Canuck  
10 Carl Hall Road  
15 Carl Hall Road  
35 Carl Hall Road  
40 Carl Hall Road  
57 Carl Hall Road  
60 Carl Hall Road  
65 Carl Hall Road  
75 Carl Hall Road  
85 Carl Hall Road  
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