



July 23, 2024

Via Email: clerk@toronto.ca
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file # 055729-00001

John Elvidge, City Clerk
City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor and Members of Council:

RE: PH14.1 - Employment Area Land Use Permissions - Decision Report – Approval Letter of Objection on behalf of Champagne Centre Ltd.

We are the lawyers for Champagne Centre Ltd. (the “**Champagne Centre**”), the registered owner of 2 Champagne Drive and 1107 Finch Avenue West, Toronto (the “**Subject Property**”).

The Subject Property is currently occupied by the Champagne Centre, a 1-2 storey multidisciplinary medical mall with a total gross floor area of 23, 902 sq. m. The Champagne Centre provides a wide range of critical health and wellness services delivered by private, public and non-profit providers, in addition to sports, education, employment support, office and ancillary services.

The subject site is designated *General Employment Areas* on Map 16 Land Use Plan of the Official Plan, and is further subject to an approved, but not yet in force, Site and Area Specific Policy permitting overnight accommodations in association with a professional medical office and clinic on the subject site (the “**SASP**”). The SASP is the result of a Council accepted, OLT-approved settlement of the Champagne Centre’s appeal of OPA 231. The SASP is further supported by an application for zoning by-law amendments to facilitate the development of an 11-storey addition for overnight accommodation in association with a Professional Medical Office and Clinic on site, to remove holding symbols related to the density of office, retail and personal service permitted on the Subject Property and to bring the site into Zoning By-law 569-2013.

We are writing to comment on the City’s second proposed official plan amendment in response to Bill 97, Official Plan Amendment 680 (“**OPA 680**”). We attach our previous correspondence to Council with respect to the City’s OPA 668, adopted in July 2023, and note that our submission on OPA 668 equally apply to OPA 680 (collectively, the “**OPAs**”).

OPAs are contrary to provincial legislation and policy direction

Both official plan amendments purport to broadly protect employment lands in the City as areas of employment, despite clear provincial direction to limit areas of employment to heavy industrial uses and to make more land available for development. This approach does not represent good planning.

OPAs should exclude the Subject Property

We request that the Committee amend OPA 680 to expressly exclude the Subject Property from its application and that of the provisions to OPA 668. In the alternative, the City should refuse to approve OPA 680, which in our view, does not represent good planning and is not in the public interest.

Staff's recommendations fail to account for the unique nature of any given parcel of land, including the Subject Property. The staff report identifies that staff undertook a local-based analysis to determine impacts to existing business, and that only certain sites would be impacted by the amendments to the "areas of employment" definition in Bill 97. However, OPA 680 purports to apply to all Employment Areas, including sites with non-employment area uses, such as the Champagne Centre.

Further to the settlement of the Champagne Centre's appeal of OPA 231 and the rezoning application before the City for consideration, the Champagne Centre is appropriate for the expansion of non-employment uses to support the continued success of the critical health care the Champagne Centre successfully delivers. We further note that the Motion recommended by Planning and Housing Committee, which would provide as-of-right zoning permissions for "lawfully established" uses, is insufficient to address the concerns noted herein.

We thank you for the opportunity to provide comments and ask that our office is provided with notice of any meetings and decisions related to this matter.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk
Partner

SL/JE

Enclosure

cc: Jennifer Evola (jevola@cassels.com)



July 4, 2023

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Attention: Nancy Martins, Committee
Administrator

Re: 2023.PH5.2 Official Plan Amendment for Bill 97 Transition – Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas Planning and Housing Committee | July 5, 2023

We are counsel to Champagne Centre Ltd. (formerly 2224484 Ontario Inc.) (“**CCL**”), the registered owner of the property municipally known in the City of Toronto as 2 Champagne Drive and 1107 Finch Avenue West (the “**Subject Property**”). The purpose of this correspondence is to address the City’s proposed response to Bill 97 through the proposed introduction of Official Plan Amendment 688 purporting to authorize continuation of institutional and commercial uses in employment areas (Item 2023.PH5.2).

Background

The Subject Property is part of the DUKE Heights BIA. The DUKE Heights BIA is home to an eclectic range of businesses, including institutional, commercial, office and retail uses.

The Subject Property is currently occupied by the Champagne Centre, a large multidisciplinary medical mall that provides a wide range of critical health and wellness services delivered by private, public and non-profit providers, in addition to sports, education, employment support, office and ancillary services.

City of Toronto Official Plan Amendment No. 231 (“**OPA 231**”), OPA 231 redesignated the Subject Property *General Employment Areas*. Council has endorsed a settlement of CCL’s appeal of OPA 231 which expands the overnight accommodation currently provided in relation to the existing medical uses on the Subject Property. An application for zoning by-law amendment has been submitted in further support of this purpose.

Bill 97 Implementation

On June 13, 2023, Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, received Royal Assent. Among other matters, Bill 97 scoped the definition of "area of employment" to traditional manufacturing, warehousing or related uses, and confirmed that office, retail and institutional uses are not business and economic uses for the purposes of the new definition, unless tied to manufacturing, warehousing or related uses. This change is to support the draft new *Provincial Planning Statement, 2023*, which similarly limits what areas are to be considered areas of employment, and encourages mixed use development, including residential, outside of these areas to support complete communities. The draft *Provincial Planning Statement, 2023* confirms that municipal official plans shall not contain provisions that are more restrictive on the use of such lands. Transition provisions were added to confirm that an area of employment may include existing legally established uses, but that areas of employment may not otherwise permit this broader category of uses.

The City's staff report recommends official plan amendments coming forth now and broader amendments in the fall which purport to protect all core and general employment lands in the City as areas of employment, despite their current, broader mix of uses, contrary to the provincial direction to genuinely limit areas of employment to heavy industrial uses, particularly close to goods movement corridors, while making more land available for development.

CCL urges Council to avoid placing continued restriction on properties containing existing uses, including necessary and critical medical uses, that are not heavy industrial uses by purporting to maintain them as an area of employment.

We request notice of all further meetings and decisions related to this item. Please provide such notice to the undersigned.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk

SL/JE/nv

cc: Jennifer Evola, Counsel, jevola@cassels.com