

July 23, 2024

Our File No.: 200399

Delivered Via E-mail

Toronto City Council
100 Queen Street West
City Hall, 12th Floor, West Tower
Toronto, ON M5V 3C6

Attention: John Elvidge, City Clerk

Dear Sirs/Mesdames:

**Re: Item PH5.2 -- Official Plan Amendment for Bill 97 Transition – Final Report
Item PH14.1 – Employment Area Land Use Permissions – Decision Report**

We are solicitors to 125 The Queensway Inc., who is the registered owner of the lands known municipally in the City of Toronto (the “**City**”) as 125 The Queensway (the “**Property**”).

We are writing on behalf of our client with respect to both of the above-noted items. In particular, we are providing our client’s written submissions to City Council pursuant to the *Planning Act* regarding:

- Item PH5.2 and Official Plan Amendment No. 668 (“**OPA 668**”), which has not yet been adopted by City Council through enactment of a bill but we understand may be enacted by City Council at its meeting commencing on July 24, 2024; and,
- Item PH14.1 and proposed Official Plan Amendment No. 680 (“**OPA 680**”), which is the subject of a staff report for consideration by City Council at its meeting commencing on July 24, 2024.

Background

The Property, which has a net site area of approximately 2.85 hectares (7.04 acres), is located on the south side of The Queensway in a location that is extremely well-served by transit, including being within a 10-minute walk (400 metres) of the planned Park Lawn Go Station. Area connectivity will only improve as the City is planning a public road connection in proximity to the Property between Lake Shore Boulevard West and The Queensway. This public road connection is currently in the EA stage.

The Property is currently occupied by a Sobeys grocery store and other commercial/retail uses within five (5) standalone buildings, including but not limited to LCBO, Shoppers Drug Mart, TD Bank, Pizza Pizza, Subway, First Choice Hair Cuts, and Pet Value. The overall existing commercial gross floor area is approximately 9,877 square metres and, importantly, the Property essential functions as a retail destination. While the Property is adjacent to the Ontario Food Terminal, the Property is not identified as part of a Provincially Significant Employment Zone.

In May 2021, our client submitted a conversion application with supporting planning, traffic, economic, land use compatibility and urban design rationale reports and plans. Further submissions were provided to the City by our client in March 2022. The request envisions the Property being developed as a mixed use centre consisting of a mid-rise building at the northwest corner of the Property and six high-rise mixed-use towers ranging from 40-storeys to 45-storeys heading further east, with at least 10% of the residential units to be secured as affordable rental units and a new public park of approximately 4,316 square metres. A minimum of 10,633 square metres of commercial uses (retail and office) would be secured to generate an estimated 795 jobs on the Property. The request would result in significant amounts of housing and employment opportunities in a rejuvenated and revitalized urban format in proximity to the planned Park Law GO Station.

Concerns with OPA 668 and OPA 680

Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*) received Royal Assent on June 13, 2023. Bill 97 specifically narrowed the definition of “area of employment” to traditional manufacturing, warehousing and related uses. 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. This new definition is linked to the draft new *Provincial Policy Statement*, which similarly limits the scope of areas of employment.

The intent of Bill 97 and the new *Provincial Policy Statement* is clear. Areas subject to employment conversion policies and statutory provisions are limited to areas with traditional manufacturing, warehousing or related uses. At the same time, mixed use development is to be encouraged outside of these areas to support complete communities. Where institutional and/or commercial uses are permitted, those areas are not longer considered an “area of employment”.

The proposed policy direction for OPA 680 is directly contrary to the legislative intent of Bill 97. The policy direction that the City should be implementing would consider which lands within the City truly meet the new definition of area of employment. Instead, through OPA 680, the proposed policy direction is to remove existing land use permissions from all of the City’s employment areas without examining whether it is appropriate to do so. This would effectively prevent consideration of expanded development opportunities in accordance with Bill 97 to meet provincial and municipal forecasts while negatively impacting the existing planning function of many of those areas. Further, it essentially removes any distinction between lands designated as *Core Employment Areas* and *General Employment Areas*.



The Property clearly does not meet the new definition of “area of employment”. As such, not only would the Property be negatively impacted by the removal of existing use permissions but also OPA 680 would prevent appropriate reinvestment in and redevelopment of the Property. As noted above, a mixed-use redevelopment of the Property would contribute to the provision of a complete community in this area through the delivery of new housing and employment opportunities in proximity to planned higher order transit. OPA 680 is clearly at odds with specific Provincial intent to deliver mixed-use redevelopment in appropriate locations such as the Property.

We understand that the City staff view is that OPA 668 would allow institutional and commercial permissions to continue generally in all existing employment areas despite OPA 680’s removal of those permissions. However, we believe this interpretation is incorrect, meaning that our clients may also need to appeal OPA 668. Our client is also concerned that OPA 668, and City staff’s proposed interpretation of it as outlined in consultations and certain staff reports including the report dated June 24, 2024, undermines the intent of Bill 97 by attempting to use OPA 668 to maintain the status quo with respect to its designated employment areas.

We would appreciate being included on the City notice list on behalf of our client for any City Council decision regarding OPA 668 or OPA 680.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "D. Bronskill".

David Bronskill
DJB/

cc. Client

July 23, 2024

Our File No.: 211846

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Toronto City Council
100 Queen Street West
City Hall, 12th Floor, West Tower
Toronto, ON M5V 3C6

Attention: John Elvidge, City Clerk

Dear Sirs/Mesdames:

**Re: Item PH5.2 -- Official Plan Amendment for Bill 97 Transition – Final Report
Item PH14.1 – Employment Area Land Use Permissions – Decision Report**

We are solicitors to Downing Street (1125 Leslie St) Inc., who is the registered owner of the lands known municipally in the City of Toronto (the “City”) as 1125 Leslie Street (the “Property”).

We are writing on behalf of our client with respect to both of the above-noted items. In particular, we are providing our client’s written submissions to City Council pursuant to the *Planning Act* regarding:

- Item PH5.2 and Official Plan Amendment No. 668 (“**OPA 668**”), which has not yet been adopted by City Council through enactment of a bill but we understand may be enacted by City Council at its meeting commencing on July 24, 2024; and,
- Item PH14.1 and proposed Official Plan Amendment No. 680 (“**OPA 680**”), which is the subject of a staff report for consideration by City Council at its meeting commencing on July 24, 2024.

Background

The Property is located on the east side of Leslie Street with excellent access to higher order transit, including being located an approximate 10 to 15 minute walk from the Science Centre subway station and the LRT station at Leslie Street/Eglinton Avenue East through a direct sidewalk connection. The Property is part of a larger remnant employment area where a number of conversions have already been approved. For example, a conversion request for the lands directly to the south was recommended for approval by City staff and adopted by City Council.

Given the evolving policy direction for the area, it is clear that a mixed-use redevelopment of the Property would contribute to the provision of a complete community in this area. This approach is supported by the good access of the Property to higher order transit and the lack of impact on existing/future employment uses separated from the Property by the Don Mills Trail. Our client's vision for the mixed-use redevelopment of the Property would actually result in the same amount of gross floor area as existing today, with the potential to increase the amount of employment in the area through modern built form and flexible design, while providing the opportunity for much need housing in proximity to transit.

Concerns with OPA 668 and OPA 680

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The Property and surrounding area clearly do not meet the new definition of “area of employment”. As such, not only would the Property be negatively impacted by the removal of existing use permissions but also OPA 680 would prevent appropriate reinvestment in and redevelopment of the Property. As noted above, a mixed-use redevelopment of the Property would contribute to the provision of a complete community in this area through the delivery of new housing and the potential to increase the amount of employment through modern built form and flexible design. OPA 680 is clearly at odds with specific Provincial intent to deliver mixed-use redevelopment in appropriate locations such as the Property.



We understand that the City staff view is that OPA 668 would allow institutional and commercial permissions to continue generally in all existing employment areas despite OPA 680's removal of those permissions. However, we believe this interpretation is incorrect, meaning that our clients may also need to appeal OPA 668. Our client is also concerned that OPA 668, and City staff's proposed interpretation of it as outlined in consultations and certain staff reports including the report dated June 24, 2024, undermines the intent of Bill 97 by attempting to use OPA 668 to maintain the status quo with respect to its designated employment areas.

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