

July 23, 2024

Our File No.: 161964

**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 1 Laird Developments Inc., 1 Laird Developments Limited Partnership, 33 Laird Development Inc. and 33 Laird Development Limited Partnership, who are the registered owners of the lands known municipally in the City of Toronto (the “**City**”) as 1 Laird Drive and 33 Laird Drive (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 within an evolving area featuring a mix of uses, including residential uses on the west side of Laird Drive and commercial and retail uses on the east side of Laird Drive. Overall, the area is redeveloping from older uses to feature a mix of land uses in proximity to transit and community facilities and services. Laird Drive itself is seeing significant revitalization,

including in the form of residential intensification. The Property itself includes storage uses, as well as a vacant building, that are not serving an employment function.

**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 and surrounding area clearly do not meet the new definition of “area of employment”. The current use of the Property is not for manufacturing, warehousing and related uses, while Laird Drive is being intensified with residential, commercial, retail and personal service uses. 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 by limiting the scope of permitted uses in the Official Plan.

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.

**Goodmans<sup>LLP</sup>**

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**



David Bronskill  
DJB/

cc. Client

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**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 Rockport Holdings Limited, who is the registered owner of the lands known municipally in the City of Toronto (the “**City**”) as 105-109 Vanderhoof Avenue and 10 Brentcliffe Road (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 within an area bounded by Eglinton Avenue East, Laird Drive, Commercial Road and Brentcliffe Road that has an existing and planned mixed use character, consisting of high-rise residential development along Eglinton Avenue East and predominantly large format retail development to the south between Laird Drive and Brentcliffe Road. This mix of uses is also consistent with the Property being located within a major transit station area associated with the Laird station on the Eglinton Crosstown LRT line.

The Property itself is currently being used for retail and service commercial uses, not industrial (manufacturing or warehousing) uses. Notwithstanding the designation of the Property as *Core Employment Areas*, the commercial use of the Property is recognized and permitted through Site and Area Specific Policy 393. The lands surrounding the Property to the south and west are primarily developed for, or have approvals in place for, large format retail developments.

### **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 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 by limiting the scope of permitted uses in the Official Plan. This would be at odds with the Property’s location immediately south of significant mixed-use intensification projects and the Property’s proximity to higher order transit.

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