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VIA EMAIL (clerk@toronto.ca)

July 23, 2024

City of Toronto
City Council *c/o City Clerk*
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor Chow and Members of Council

**RE: Item 2024.PH14.1 – Employment Area Land Use Permissions
Official Plan Amendment No. 680
Official Plan Amendment No. 668
Letter of Objection**

I am the solicitor for a number of registered owners with landholdings located generally in the southeast quadrant of Keele Street and Lawrence Avenue West in the City of Toronto (“**Subject Lands**”), as more particularly listed in **Schedule “A”** to this correspondence. On behalf of my clients, I write to object to the proposed Official Plan Amendment (“**OPA**”) 680 and respectfully request that Council reject the recommendations of the Planning and Housing Committee and refer this matter back to staff for further consideration and study. I also write to object to OPA 668, which has not yet been formally adopted by Council through a corresponding Bill and associated adopting By-law.

The Subject Lands and immediate surrounding area are currently designated as *Employment Areas* on Map 2 – Urban Structure and a combination of *General Employment* and *Core Employment* on Map 17 – Land Use Plan of the City of Toronto Official Plan.

Proposed OPA 680, if adopted, would dramatically narrow the range of permitted uses within those designations on a City-wide basis. In particular, OPA 680 would among other things, prohibit institutional and commercial uses outright and would only permit office, retail and ancillary facilities if those uses are associated with or ancillary to manufacturing, warehousing, or research & development uses in connection with manufacturing. This is proposed to be done in a blanket fashion without regard to



existing land uses, surrounding context, or future development potential of the impacted lands.

The amendments that are proposed through OPA 680 have been presented by City staff as being a policy response to bring the Official Plan “into alignment” with legislative changes introduced through Bill 97, the *Helping Homebuyers Protecting Tenants Act, 2023* (“**Bill 97**”) and associated changes proposed in the new *Provincial Planning Statement 2024* (the “**New PPS**”).

In our submission, what OPA 680 would instead do is completely subvert the intent of Bill 97 and the New PPS, which is to facilitate the introduction of a greater range and mix of uses, including residential uses, in what had previously been protected “areas of employment.”

Bill 97 and the New PPS accomplish this by narrowing the type and range of uses that are permitted in protected “areas of employment” to manufacturing uses, research and development uses in connection with manufacturing, warehousing uses, and uses that are associated ancillary to the foregoing. Institutional uses and commercial uses (including freestanding retail and office) are explicitly excluded from the definition of “areas of employment.”

Instead of responding to this legislative and policy direction from the Province by reducing the number of protected *Employment Areas* in the City and facilitating the introduction of a greater range of uses in previously protected lands, OPA 680 would turn this policy direction on its head by dramatically restricting the range of permitted uses within existing *Employment Areas*.

Meanwhile, the transition provisions that would be introduced through OPA 668 if it is ultimately adopted by Council would only permit institutional, office, or commercial uses within *Employment Areas* on a go-forward basis that are existing as of the date that subsection 1(1) of Schedule 6 to Bill 97 comes into force. Any new institutional, office, or commercial uses within those areas after that date would be prohibited. This, together with the narrowing of permitted uses proposed through OPA 680, will have the effect of seriously undermining the existing and planned function of *Employment Areas* in the City, including on the Subject Lands.

The proposed changes are inconsistent with the reality of the uses that predominate within many *Employment Areas* including the area within which the Subject Lands are



located, as more particularly shown in **Figure 1** (“**Proposed Milford Mixed Use Area**”).¹



Figure 1. Proposed Milford Mixed Use Area

The uses in the Proposed Milford Mixed Use Area have been evolving away from traditional employment uses. Today, the predominant land uses are direct-to-consumer service commercial, retail, food service, institutional, stand-alone office, and other similar uses that would not be permitted as of right pursuant to the policies of OPA 680 and OPA 668. It also includes a number of vacant and underutilized parcels which could be revitalized if a broader range of uses were permitted. The Proposed Milford Mixed Use Area is not within a Provincially Significant Employment Zone, with existing uses migrating away from manufacturing into commercial and service uses including the presence of existing institutional uses. The appropriate policy response to Bill 97 and the New PPS ought to be to increase the range of permitted uses, including residential on these lands as opposed to artificially restricting the uses that are permitted.

¹ The Subject Lands and Surrounding Area is generally bounded by Colville Road to the north, Sheffield Street to the east, north of Ingram Drive and Keele Street to the West, including the lands municipally known as 9 Densley Avenue, 34 Densley Avenue, 36 Densley Avenue, 37-39 Milford Avenue, 46 Milford Avenue, 14 Sable Street, 28 Milford Avenue, 42 Milford Avenue, 36 Milford Avenue, 44 Milford Avenue, 40 Milford Avenue, 26 Densley Avenue, 30 Milford Avenue, 69 Densley Avenue, 65 Densley Avenue, 41 Densley Avenue, 32 Milford Avenue, 24 Milford Avenue, 45-47 Colville Avenue as shown in **Figure 1**



The Proposed Milford Mixed Use Area is located adjacent to existing and established Neighbourhoods with an emerging mixed-use character evolving along Lawrence Avenue West. The general study area was, in part, already identified, by the City of Toronto as being appropriate for non-employment uses, with the *Mixed Use Area* along Lawrence Avenue West and the recommended Employment Conversion within OPA 591, as conversion area 783. The lands just to the north of the Proposed Milford Mixed Use Area with frontage on Lawrence Avenue are now designated as *Mixed Use Areas* while the lands along the west side of Keele Street are designated as a combination of *Apartment Neighbourhoods* and *Neighbourhoods*.

The Proposed Milford Mixed Use Area is serviceable with existing municipal services including water, wastewater, storm, and utility services. This includes a major planned upgrade to the Black Creek Sanitary Truck Sewer that will run along Keele Street directly adjacent to the Proposed Milford Mixed Use Area. The construction contract for this major infrastructure work is anticipated to be awarded as early as 2026 with a planned completion date of 2031.

The Subject Lands are located within an under-utilized employment area with existing transit services including the 41 Keele, 941 Keele Express and 59 Maple Leaf TTC bus routes, meriting reinvestment and revitalization with a new land use structure. This is in keeping with the intent of Bill 97 and the New PPS, promoting the acceleration of new housing supply and innovation of employment uses.

In light of this, if Council is not prepared to defer the adoption of OPA 680 and OPA 668 to allow for further study, we submit that the Proposed Milford Mixed Use Area as shown on **Figure 1** should be redesignated to *Mixed Use Areas*.

If these lands are not redesignated to *Mixed Use Areas* and OPA 680 and 668 are adopted as currently proposed, the lands would be inappropriately made subject to a policy framework and range of permitted uses that is out of step with how this area has historically developed, how it exists today, and how it is meant to evolve in accordance with the clear direction provided through Bill 97 and the New PPS.

I thank Council for its consideration of these submissions.



Please kindly provide the undersigned with notice of any decisions, public meetings, or other steps taken with respect to OPA 680 and OPA 668, including any Notice(s) of Adoption, if applicable.

Yours truly,

LOOPSTRA NIXON LLP

A handwritten signature in blue ink, appearing to read 'Q. Annibale', written in a cursive style.

Per: Quinto M. Annibale

QMA/br



Schedule "A"

Registered Owner(s)	Municipal Address	PIN and Legal Description
Orchard West Properties Inc.	45 Colville Road, Toronto M6M 2Y2	PIN: 10332-0350 LOTS 8 & 9 PLAN 4713 NORTH YORK CITY OF TORONTO
907037 Ontario Inc.	24 Milford Ave, Toronto M6M 2V8	PIN: 10338-0078 PT LT 7 PL 4133 NORTH YORK AS IN CA297991, S/T CA297992; TORONTO (N YORK) , CITY OF TORONTO
907037 Ontario Inc.	28 Milford Ave, Toronto M6M 2V8	PIN: 10338-0081 PT BLK H PL 4307 NORTH YORK AS IN CA625921; TORONTO (N YORK) , CITY OF TORONTO
2631454 Ontario Inc. (Westhaven Properties Inc.)	30 Milford Ave, Toronto M6M 2V8	PIN: 10338-0082 PT BLK H PL 4307 NORTH YORK AS IN CA660862; TORONTO (N YORK) , CITY OF TORONTO
2870617 Ontario Inc.	32 Milford Ave, Toronto M6M 2V8	PIN: 10338-0083 PT BLK H PL 4307 NORTH YORK AS IN TB68083; TORONTO (N YORK) , CITY OF TORONTO
907037 Ontario Inc.	36 Milford Ave, Toronto M6M 2V8	PIN: 10338-0084 BLK G PL 4307 NORTH YORK; TORONTO (N



		YORK) , CITY OF TORONTO
907037 Ontario Inc.	39 Milford Ave, Toronto M5M 2W1	PIN: 10338-0124 PT LT 1 PL 4254 NORTH YORK AS IN CA343769, S/T CA343769; TORONTO (N YORK) , CITY OF TORONTO
2631454 Ontario Inc. (Westhaven Properties Inc.)	40 Milford Ave, Toronto M6M 2V8	PIN: 10338-0085 PT BLK F PL 4307 NORTH YORK AS IN TB212627; TORONTO (N YORK) , CITY OF TORONTO
907037 Ontario Inc.	42 Milford Ave, Toronto M6M 2V8	PIN: 10338-0086 PT BLK F PL 4307 NORTH YORK AS IN NY668125; TORONTO (N YORK) , CITY OF TORONTO
2631454 Ontario Inc. (Westhaven Properties Inc.)	44 Milford Ave, Toronto M6M 2V8	PIN: 10338-0087 PT BLK F PL 4307 NORTH YORK AS IN CA373894; TORONTO (N YORK) , CITY OF TORONTO
2583824 Ontario Corp.; 2349201 Ontario Inc.	46 Milford Ave, Toronto M6M 2V8	PIN: 10338-0088 PT BLK F PL 4307 NORTH YORK AS IN TB405616; TORONTO (N YORK) , CITY OF TORONTO
9 Densley Holdings Limited	9 Densley Ave, Toronto, M6M 2P5	PIN: 10338-0134 LT 12 PL 4133 NORTH YORK; PT LT 5 PL 4254



		NORTH YORK PARTS 1 & 2 64R12821, S/T & T/W CA457981; TORONTO (N YORK) , CITY OF TORONTO
907037 Ontario Inc.	26 Densley Ave, Toronto M6M 2R1	PIN: 10338-0129 PT LT 3 PL 4254 NORTH YORK AS IN NY303358; TORONTO (N YORK) , CITY OF TORONTO
2292624 Ontario Inc.	34 Densley Ave, Toronto M6M 2R1	PIN: 10338-0130 PT LT 2 PL 4254 NORTH YORK AS IN NY606791; TORONTO (N YORK) , CITY OF TORONTO
907037 Ontario Inc.	41 Densley Ave, Toronto M6M 2P5	PIN: 10338-0142 PT BLK A PL 4307 NORTH YORK; PT BLK B PL 4307 NORTH YORK PARTS 3 TO 10 64R7414, S/T CA344005; TORONTO (N YORK) , CITY OF TORONTO
907037 Ontario Inc.	65 Densley Ave, Toronto M6M 2P5	PIN: 10338-0147 BLK C PL 4307 NORTH YORK; TORONTO (N YORK) , CITY OF TORONTO
2631454 Ontario Inc. (Westhaven Properties Inc.)	69 Densley Ave, Toronto M6M 2P5	PIN: 10338-0148 PT BLK D PL 4307 NORTH YORK AS IN NY608091;



		TORONTO (N YORK) , CITY OF TORONTO
907037 Ontario Inc.	14 Sable Street, Toronto M6M 3K6	PIN: 10338-0092 PT LT 2 PL 4325 NORTH YORK AS IN CA356546; TORONTO (N YORK) , CITY OF TORONTO