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

City Clerk's Office  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Mr. John D. Elvidge, City Clerk**

Dear Mayor and Members of Council:

**RE: Item PH14.1 – Employment Area Land Use Permissions – Decisions Report – Approval**

**AND Item PH5.2 – Official Plan Amendment Bill 97 Transition – Authorizing the  
RE: Continuation of Institutional and Commercial Uses in Employment Areas – Final Report**

We are the lawyers for Concert Properties Limited ("**Concert**"), agent for "2 and 30 International Boulevard Toronto Holdings Inc." which is the registered owner of 2 International Boulevard and 30 International Boulevard (collectively, the "**Property**").

The Property is subject to Employment designations in the Toronto Official Plan and contains a mix of office and retail uses, both of which are currently permitted by the Official Plan.

On behalf of Concert, we are writing to provide submissions on proposed Official Plan Amendment No. 680 ("**OPA 680**"), as well as Official Plan Amendment No. 668 ("**OPA 688**"), which has not yet been enacted by the City (the "**City**"). We have reviewed the numerous submissions that have been made by other owners of Employment designated property and largely agree with the submissions that note the significant problems with OPA 680 (and OPA 668) and their inconsistency with recent amendments to the *Planning Act* by the Province via Bill 97. We urge City Council not to adopt OPA 680 (nor OPA 668) as currently drafted.

### **Planning Act Amendments and the draft Provincial Planning Statement (2024)**

The *Helping Homebuyers, Protecting Tenants Act* ("**Bill 97**"), which received Royal Assent on June 8, 2023, included an amendment to the definition of "area of employment" under Section 1(1) of the *Planning Act*. This new definition of what constitutes an employment area is also reflected in the current draft of the proposed Provincial Planning Statement (2024) ("**PPS 2024**").

**Employment Area:** means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above. [Emphasis added.]

The new definition that is reproduced above specifically excludes institutional, commercial, retail and office uses from the definition of “areas of employment” where such uses are not associated with or related to manufacturing and warehousing uses (“**Excluded Uses**”). These kinds of Excluded Uses are currently permitted and take place on the Properties.

The intention behind Bill 97 and the PPS 2024 is clear: in an effort to address residential housing needs across the Province, the protections that apply to areas of employment (such as the requirement that conversion requests only be considered through a municipal comprehensive review) shall only apply to traditional manufacturing, warehousing, and related uses. Conversely, properties that are currently being used for other commercial/non-residential uses, such as institutional, commercial, retail and office space, or are planned to accommodate such uses, should not be considered “areas of employment” and are encouraged to be improved with a greater mix of uses, including residential uses where appropriate.

### **Concerns with OPA 680**

OPA 680 will have the effect of removing institutional and commercial land use permissions, including office uses, from all of the City’s Employment designated lands, without considering how this could negatively affect future development or current existing uses on those lands. This will perpetuate restrictions on the use and potential conversion of sites that are currently designated “General Employment” and “Core Employment” areas, which is contrary to the clear statutory intention of Bill 97 and of the draft PPS 2024. For example, in the absence of a site-specific rationale, commercial/non-residential uses that are permitted today should continue to be allowed in the future, so that landowners have the ability to expand or modify their operations without the need to go through the process of an application under the *Planning Act* to re-establish existing permissions. Similarly, owners should be allowed to operate, expand, or modify commercial operations on their sites without the potential limiting imposition of a “legal non-confirming” regime (which seems to be the intent of the “lawfully established” policies in OPA 688).

Furthermore, in our submission, OPA 680 and OPA 668 represent a two-pronged effort to preserve the current status quo for employment lands despite clear Provincial efforts to limit the scope of uses that fall within the protections of the “area of employment” definition. Together, these municipally-initiated amendments will prevent the introduction of additional uses, including residential uses, on lands that can and should accommodate a greater mix of uses. Additionally, OPA 680 also eliminates existing land use permissions without any consideration of the site-specific implications of doing so. Insofar as Bill 97 was intended to unlock the redevelopment potential of underutilized sites that are not comprised of core employment uses, OPA 680 and

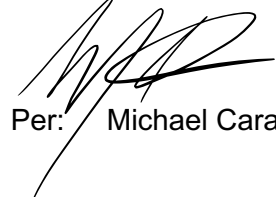
OPA 668 represent a step backwards and reintroduce procedural hurdles that place non-residential lands in silos and frustrate the creation of complete communities.

We submit that it is premature to adopt OPA 680 on a City-wide basis without conducting a more comprehensive analysis of the specific properties affected. On behalf of our client, we urge City Council not to adopt OPA 680 and not to proceed further with OPA 668 in their current form and to refer these matters back to City Staff so that existing employment lands can be reviewed on a case-by-case basis to determined which sites should continue to be protected under the new definition of "area of employment" under Bill 97 and the draft PPS 2024, and whether greater flexibility is warranted, rather than a one-size fits all approach, to encourage opportunities for redevelopment.

We thank you for the opportunity to provide comments and request written notice of any meetings and decisions related to this matter. Our contact information is provided herein.

Yours truly,

**Overland LLP**



Per: Michael Cara