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July 23, 2024

**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**

Overland LLP acts on behalf of the Sorbara Group of Companies and affiliated entities. In particular, we represent N.H.D. Developments Limited, which is the registered owner of 3765-3777 Keele Street and 10 LePage Court, as well as the registered owner of the properties in the attached Schedule "A". We are also writing on behalf of Joseph and Maria Rose Cattana, the owners of 3885 Keele Street.

On behalf of the Sorbara Group and affiliated entities, we previously made submissions to the City regarding Official Plan Amendment No. 668 ("**OPA 668**") on July 4, 2023. OPA 668 was considered by City Council in July 2023, but the Official Plan Amendment has not yet been enacted. We take this opportunity to resubmit that correspondence on behalf of the registered owners of property noted above to note concerns regarding OPA 668.

On behalf of N.H.D. Developments Limited and the other registered owners of property listed in Schedule "A" and/or noted above, we are writing to express our concerns with the current draft of Official Plan Amendment No. 680 ("**OPA 680**").

The properties in question are subject to Employment designations in the Toronto Official Plan and contain a mix industrial, office, retail, service, and automotive uses, all of which are currently permitted by the Official Plan.

In addition to our previous correspondence, we have reviewed the numerous submissions that have been made by other owners of Employment designated properties and largely agree with the submissions that note 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 either amendment in their current form.

## **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.

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 employment lands (such as the restriction of appeals on conversion requests) shall only apply to traditional manufacturing, warehousing and related uses. Conversely, lands 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 of those lands 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 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 their operations without the need to go through the process of an application under the Planning Act to re-establish existing permissions, but also without the potential limiting imposition of a “legal non-conforming” regime (which seems to be the intent of the “lawfully established” policies in OPA 668).

In our submission, OPA 680 and OPA 668 represent a two-pronged effort to preserve the current status quo despite clear Provincial efforts to limit the scope of uses that fall within the protections of an “area of employment.” 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 in its current form and to refer this matter back to City staff so that existing employment lands can be reviewed on a case-by-case basis to determine which sites meet the new definition of “area of employment” under Bill 97 and the PPS 2024, and whether greater flexibility is warranted to encourage opportunities for redevelopment.

Council should also reconsider moving forward with OPA 668 with its problematic approach to “lawfully established uses”, as outlined in our earlier correspondence.

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

Yours truly,  
**Overland LLP**

A handwritten signature in black ink, appearing to read 'M. Cara', written over a horizontal line.

Per: Michael Cara

### Schedule "A"

<b>Address</b>	<b>Registered Owner</b>
40 Metropolitan Road	All-Borough Millenium Inc.
470-478 Finchdene Square	Director Industrial Holdings Limited
480 Finchdene Square	Director Industrial Holdings Limited
10 Newgale Gate	Director Industrial Holdings Limited
21-41 Kenhar Drive	Discount Plaza Limited
21-57 Estate Drive	Edward Sorbara (tenant in common, ¼)
5750-5760 Finch Avenue E	774061 Ontario Limited
495 Finchdene Square	495 Finchdene Square Holdings Inc.
10 Estate Drive	Sam-Sor Enterprises Inc., anticipated to change to N.H.D Developments Limited
5736-5746 Finch Avenue E	N.H.D. Developments Limited
160 Finchdene Square, 170 Finchdene Square, 180 Finchdene Square	Finchmor Developments Limited
221 Finchdene Square, 227 Finchdene Square, 247 Finchdene Square, 257 Finchdene Square, 360 Finchdene Square, 380 Finchdene Square, 400 Finchdene Square, 420 Finchdene Square, 455 Finchdene Square, 475 Finchdene Square, 485 Finchdene Square	N.H.D. Developments Limited
49 Howden Road, 59-63 Howden Road	N.H.D. Developments Limited
44 Metropolitan Road	N.H.D. Developments Limited
370 Norfinch Drive	N.H.D. Developments Limited
400,410,490,500 Norfinch Drive	N.H.D. Developments Limited
430,450,470 Norfinch Drive	N.H.D. Developments Limited
485-501 Norfinch Drive	N.H.D. Developments Limited
861 Progress Avenue	N.H.D. Developments Limited
4900 Sheppard Avenue E	N.H.D. Developments Limited
4910 Sheppard Avenue E	N.H.D. Developments Limited
4345-77 Steeles Avenue & 525-9 Norfinch Drive	N.H.D. Developments Limited
4249-4339 Steeles Avenue	N.H.D. Developments Limited
16 Estate Drive	N.H.D. Developments Limited
20 Estate Drive	N.H.D. Developments Limited
10 LePage Court	N.H.D. Developments Limited
3765-3777 Keele Street	N.H.D. Developments Limited

**Schedule "B"**

**Letter to City Council (dated July 4, 2023)**

**Christopher J. Tanzola**  
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July 4, 2023

**VIA EMAIL**

Planning and Housing Committee  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Nancy Martins (phc@toronto.ca)**

Dear Members of the Planning and Housing Committee:

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

We are the lawyers for the Sorbara Group and affiliated entities with respect to properties generally located on the east side of Keele Street south of Finch Avenue. In addition to our own correspondence, our client has also been represented with respect to these properties through its planning consultant WND Associates. The properties in question are: 3765-3777 Keele Street and 10 Lepage Court. Previous submissions have also been made in respect of 3885 Keele Street, owned by Joseph and Maria Rosa Cattana.

We are writing to express our client's concern with the proposed Official Plan Amendment that, in our view, undermines the legislative intent and policy direction behind the Province's recent Bill 97 amendment for "areas of employment".

The Sorbara Group properties on Keele Street and Lepage Court noted above are the subject of a conversion request to the City being considered in Planning and Housing Committee Item PH5.3. WND Associates has submitted correspondence dated July 4, 2023 for that item. We adopt the conclusions of those submissions that these properties ought to be supported for conversion to *Mixed Use Areas* or *Regeneration Areas*.

However, in addition to the site-specific attributes of these properties, regard should be had to the purpose of Bill 97 to refine the definition of "areas of employment" that, under the *Planning Act*, have heightened protections for conversions to other uses. Bill 97 confirms that, from a provincial policy standpoint, office, retail, and institutional uses should not be considered as business and economic uses akin to manufacturing and warehousing uses that attract the protections of the *Planning Act*.

The Bill 97 change to the definition of "areas of employment" supports the development of mixed use, complete communities, that may include residential uses, while protecting traditional

employment areas and uses. This direction is also contained in the draft *Provincial Planning Statement, 2023*.

Although Bill 97 does permit a municipality to enact certain protections in respect of lawfully established uses that exist within employment areas, the proposed Official Plan Amendment applies that protection overly broadly and without any satisfactory planning rationale to determine whether such protections should be applied on any given lands. This approach in the proposed Official Plan Amendment provides no contextual analysis and thwarts the legislature's intention and provincial policy direction to encourage mixed use development in appropriate situations. The proposed Official Plan Amendment simply wraps up all properties that would have been caught by the older definition of "areas of employment" in a transition "loophole", as if Bill 97 had never been enacted.

Otherwise put, whereas Bill 97 clearly reflects an intention to limit the scope of uses that fall within the protections of an area of employment, the proposed Official Plan Amendment attempts to preserve the status quo.

Furthermore, we understand that additional Official Plan Amendments will be brought forward in the Fall, which seek to review the permitted uses within the City's "areas of employment". Firstly, we are concerned that the currently proposed Official Plan Amendment is premature if a broader review of permitted uses in employment areas is intended. Additionally, we are concerned that if a similar approach is taken to these forthcoming Official Plan Amendments as has been taken to this transitional Official Plan Amendment under Bill 97, what could result is the removal of, or undue restrictions placed on, certain uses that are currently permitted (such as institutional and non-manufacturing commercial uses) in order to artificially shelter such lands from consideration for an appropriate mix of uses in accordance with provincial policy.

We urge the Planning and Housing Committee and City Council not to adopt the proposed Official Plan Amendment in its current form.

We request notice of all further meetings and decisions related to this item. Our contact information is provided herein.

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner