

July 23, 2024

**Via Email:** [clerk@toronto.ca](mailto:clerk@toronto.ca)

City Council, City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Mayor and Members of Council**

**Re: Item No. PH14.1 – Employment Land Use Permissions – Decision Report Approval  
Proposed Official Plan Amendment No. 668  
Proposed Official Plan Amendment No. 680**

Our firm is retained by 2129152 Ontario Inc., the owner of 4646 Dufferin Avenue, City of Toronto (the “City”).

**Background**

On 29 November 2023, we wrote to the Planning and Housing Committee (the “Committee”) to express our client’s concerns with the staff proposals contained in the 14 November 2023 report entitled “*Directions to Amend Official Plan Area Policies – Proposals*” in regard to proposed OPA 680 (“OPA 680”) and companion OPA 668 (“OPA 668”) the intent of which is summarized as follows:

OPA 680 is intended to bring the Official Plan into alignment with the amended definition of "area of employment" as introduced through Bill 97. Together, with OPA 668, these amendments will help to maintain the integrity of the City's *Core Employment Areas* and *General Employment Areas*... (p.6 of7)

To achieve the alignment, staff proposed that in proposed OPA 680,

the City will need to limit some of the broader Official Plan employment permissions in General Employment Areas and Core Employment Areas. (p.1of7)

To this proposal, we responded,

We are of the view that implementation of the provisions of Bill 97 does not require that land use permissions be stripped from the General Employment Areas and lost forever. Rather, the language of the Bill is consistent with areas designated General Employment being removed from the Employment Area designation and put into another designation to allow the commercial and other non-industrial uses presently permitted within General Employment Areas to continue....

As the Chief Planner construes the Bill 97 language in a manner which may not be consistent with the intention of the provincial government, it would be prudent for the City to seek clarification on this question from the Ministry in order to ensure that all available avenues are pursued in order to avoid this draconian removal of permitted uses upon which thousands of landowners and business-people have relied. This is particularly important during these difficult economic times.

Regrettably, despite a consultation period sufficient to do so, the 24 June 2024 staff report to the Committee contains no response to our client's concerns and to our suggestion to seek clarification from the Ministry. The language in recommended OPA 680 is not materially different than that proposed in the 2023 report; the intent is still the same.

Staff's view 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 is misguided and creates unnecessary complexity and uncertainty for landowners and businesses.

The combination of OPA 680 and OPA 668 is prejudicial to existing landowners and businesses and will discourage necessary investment and land use development which is crucial to the economic health of the City.

### **Request to Council**

Our client requests that Council not adopt OPA 668 and OPA 680 but rather return this matter to staff with a direction to seek the guidance from the Minister which we recommended in our letter of 29 November 2023.

If Council is not prepared to seek the Minister's guidance, our client requests that the matter of the adoption of OPA 680 or OPA 668 be referred back to City staff to review all lands presently designated as areas of employment, on a property by property basis, to determine which of these areas should fall within the new definition of area of employment and which should be redesignated to accommodate the non-residential uses not included within the definition.

Absent Council action as requested, our client has no alternative but to object to the adoption of both OPA 668 and OPA 680.

We request notice of any further action by Council or the Committee in regard to OPA 668 and OPA 680.



Yours very truly,

**Wood Bull LLP**

A handwritten signature in black ink, appearing to be "DHW", is written over the printed name.

Dennis H. Wood

DHW

cc. 2129152 Ontario Inc.