

October 7, 2024

Our File No.: 242794

**Via Email**

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: PH5.2 – Official Plan Amendment for Bill 97 Transition – Final Report  
PH14.1 – Employment Area Land Use Permissions – Decisions Report  
CC22.7 - Amending Item 2024.PH14.1 in response to Bill 97 Proclamation -  
Employment Area Land Use Permissions - Official Plan Amendment 680  
Submissions in Respect of OPA 668 and OPA 680 on behalf of David Chi-Leung  
Lam and Tai Foong Investments Ltd.**

We are solicitors to David Chi-Leung Lam and Tai Foong Investments Ltd., the registered owners of the lands known municipally in the City of Toronto (the “City”) as 2890 and 2900 Markham Road, respectively (the “Properties”). We are writing on behalf of our clients with respect to the above-noted items. In particular, we are providing our clients’ written submissions to City Council pursuant to the *Planning Act* regarding Official Plan Amendment No. 668 (“OPA 668”) and Official Plan Amendment No. 680 (“OPA 680”), neither of which have been adopted by City Council.

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 new *Provincial Planning Statement*, which similarly limits the scope of areas of employment.

The intent of Bill 97 and the new *Provincial Planning Statement* is clear. Areas subject to employment conversion policies and associated 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 Properties and surrounding area do not meet the new definition of “area of employment”. Not only would the Properties be negatively impacted by the removal of existing use permissions but OPA 680 would also prevent appropriate reinvestment in and redevelopment of the Properties by limiting the scope of permitted uses in the Official Plan. This would be at odds with the specific Provincial intent to deliver mixed-use redevelopment in appropriate locations such as the Properties.

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 clients are 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 clients for any City Council decision regarding OPA 668 or OPA 680.

Please include us on any notices in connection with this matter.

Yours truly,

**Goodmans LLP**



Max Laskin

Partner

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cc: Clients  
Cristin Hunt