

October 8, 2024

Via E-mail

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: Item 2024.CC22.7 – Employment Area Land Use Permissions – OPA 680
PH5.2 – Official Plan Amendment for Bill 97 Transition – Final Report
PH14.1 – Employment Area Land Use Permissions – Decisions Report**

We are solicitors to the registered owners of certain properties in the City of Toronto (the “**City**”) more specifically listed in the schedule attached to this letter. We are writing on behalf of our client in respect to all of the above-noted items. In particular, we are providing our client’s 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 draft new *Provincial Policy Statement*, which similarly limits the scope of areas of employment.

The intent of Bill 97 and the new *Provincial Policy Statement* is clear. Areas subject to employment conversion policies and 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*.

These properties, and their corresponding surrounding areas, clearly do not meet the new definition of "area of employment". As such, not only would these properties be negatively impacted by the removal of existing use permissions but also OPA 680 would prevent appropriate reinvestment in and redevelopment of these properties by limiting the scope of permitted uses in the Official Plan.

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 client is 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 client 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

A handwritten signature in blue ink, appearing to read "D. Bronskill", written over a light blue rectangular background.

David Bronskill
DJB/rv

cc. Client



SCHEDULE A
LIST OF PROPERTIES AND REGISTERED OWNERS

128 Sterling Road	Ehrlich (128 Sterling) Inc. & Family Service Toronto
150 Symes Road	Symesbridge Inc., as General Partner for and on behalf of Symesbridge LP
105 Bentworth Avenue	105 Bentworth Inc., as General Partner for and on behalf of Bentworth LP
89 Bentworth Avenue	89 Bentworth Inc., as General Partner for and on behalf of 89 Bentworth LP

1399-7163-1631