



BOUSFIELDS INC.

Project No. 2110

October 8, 2024

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

Attention: Sylwia Przewdziecki (councilmeeting@toronto.ca)

Dear Sirs/Mesdames:

**Re: Item No. CC22.7 – Amending Item PH14.1 in response to Bill 97
Proclamation - Employment Area Land Use Permissions - Official Plan
Amendment 680
Submission in respect of OPA 668 and 680**

We are the planning consultants to 1370443 Ontario Limited (the “Owner”) of 1543-1551 The Queensway & 66-76 Fordhouse Boulevard, Etobicoke (the “Subject Site”).

Background

The Subject Site is approximately 21,550 square metres (2.15 hectares) in area, with frontages of approximately 76.2 metres along The Queensway and 94.2 metres along Fordhouse Boulevard and a depth of approximately 237.7 metres. The Subject Site is currently occupied by seven 1-to 2-storey buildings that have a total building footprint of approximately 5,540 square metres. Currently, the building at 1549 The Queensway is being retrofitted to accommodate Haven on the Queensway’s Food Bank, the building at 1545 The Queensway is being used for a construction management office and the building at 66 Fordhouse Boulevard is actively used by Hello Fresh for the preparation of meals for delivery. The remainder of the buildings on the site, including the single-family dwelling at 1547 The Queensway are vacant.

As part of the City of Toronto’s Municipal Comprehensive Review (“MCR”), the landowners requested a conversion from *General Employment* and *Core Employment Areas* to *Mixed Use Areas*, under the City of Toronto Official Plan (“Official Plan”). That conversion request did not contemplate the mixed-use mixed income proposal now intended for the subject site. On June 18, 2023, City Council adopted Official Plan Amendment (“OPA”) 644, pursuant to sections 26 and 17 of the *Planning Act* by By-law 599-2023. On Map 2 of Council-adopted OPA 644, the subject site is redesignated

General Employment Areas in its entirety. The Minister is currently considering OPA 644 as adopted by Council and may choose to modify or approve the amendment.

In the final assessment of the conversion request, Staff recommended a partial redesignation of the lands from *Core Employment* to *General Employment Areas* and noted that in Staff's opinion the *General Employment Areas* designation would be consistent with the adjacent commercial uses along The Queensway.

Given the status of the conversion request and the owner's desire to redevelop the Subject Site, we have been monitoring the City's Official Plan conformity exercise with the provincial definition of "area of employment" in the *Planning Act*, as amended by Bill 97, the *Helping Homebuyers, Protecting Tenants Act*.

Comments on OPA 680 and 668

On June 13, 2023, Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*) received Royal Assent. Bill 97 includes a series of legislative changes designed with the objectives of generating an appropriate housing supply, making land available for development, providing infrastructure to support development, balancing housing with resources and implementation policies to align municipalities with recent legislative amendments. In this regard, Bill 97 introduces a new definition of "employment area", which will come into force on October 20, 2024, as follows:

"area of employment" means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:

- i. Manufacturing uses.
- ii. Uses related to research and development in connection with manufacturing anything.
- iii. Warehousing uses, including uses related to the movement of goods.
- iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
- v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
- vi. Any other prescribed business and economic uses.

2. The uses are not any of the following uses:

- i. Institutional uses.

- ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv.

The Bill 97 amendment to the *Planning Act* with respect to a new definition of “area of employment” narrows the scope of uses that are protected to manufacturing and warehousing and industrial uses. Further, commercial uses, such as the current use of the Subject Site, will no longer be permitted uses in employment areas (except for uses that are ancillary to the principal manufacturing or warehousing uses). The Subject Site and surrounding area along The Queensway do not meet the new definition of “area of employment”.

In July 2023, City Council adopted OPA 668, which introduced a transition provision to permit the continuation of “lawfully established” uses in *General Employment Areas* and *Core Employment Areas*. OPA 668 interprets “lawfully established” (a new term introduced through Bill 97) as any *Employment Areas* use permitted in the Official Plan prior to the new definition of “area of employment” under the *Planning Act* proclaimed into force. This would “grandfather” uses (such as commercial uses on the Subject Site) where they are currently permitted by the Official Plan, regardless of if they physically exist in a brick-and-mortar form today. Commercial uses are “lawfully established” on the Subject Site.

The intent of the new definition of “area of employment” under Bill 97 is to limit the protection of employment areas to manufacturing, warehouse and industrial uses. Specifically, commercial uses, together with office and institutional uses are excluded from these definitions to allow for their redevelopment to achieve the key objectives of generating an appropriate housing supply, making land available for development, and providing infrastructure to support development. In particular, the narrowing of the definition of “area of employment” under Bill 97, to excluded office, retail and institutional uses is intended to allow for redevelopment that would introduce residential uses without the need for a conversion request. OPA 668 and OPA 680 would compromise this provincial objective.

OPA 680, together with adopted OPA 668, would preclude the intensification of the Subject Site and therein the introduction of residential uses. Therefore, OPA 680 and 668 would preclude the Subject Site from contributing to an appropriate housing supply, making the Subject Site available for development, and providing infrastructure to support development, which runs counter to the policy framework that supports intensification of Strategic Growth Areas, particularly corridors well-served by municipal infrastructure. In our opinion, OPA 680 would prevent appropriate reinvestment in the Subject Site by limiting the scope of permitted uses to those of “area of employment” definition.

For the reasons set out above, we are concerned that OPA 680 and 668 maintain the status quo with respect to the Subject Sites current underutilization and undermine the intent of Bill 97's new definition of "area of employment".

We ask to be included on the City notice list on behalf of our clients for any City Council decision regarding OPA 668 or OPA 680.

Yours truly,
Bousfields Inc.



David Charezenko, MCIP, RPP

c.c. Clients
Alexander J. Suriano, Aird & Berlis LLP