



October 8, 2024

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Attention: John Elvidge, City Clerk
Sylvia Przewdzicki, City Council
Manager

**Re: City Council Meeting: October 9, 2024
PH5.2 – Official Plan Amendment for Bill 97 Transition – Final Report
CC22.7 – Amendment Item 2024.PH14.1 in response to Bill 97 Proclamation -
Employment Area Land Use Permissions - Official Plan Amendment 680
CT REIT**

We are the lawyers for Canadian Tire Real Estate Limited (“**CT REIT**”), the owner of significant lands across the City of Toronto which are improved with Canadian Tire retail stores. As per our prior correspondence on PH5.2 respecting Official Plan Amendment No. 668, some of these landholdings are within lands currently designated as Core or General Employment Areas in the City’s Official Plan, as well as within Protected Major Transit Station Areas, where significant development is anticipated in support of provincial and municipal policies and goals focused on advancing intensification and transit-oriented development. CT REIT’s lands at 4630 Sheppard Avenue East are also the subject of an employment conversion request supported by City staff and presently before the Minister for approval through Official Plan Amendment 653.

Within item CC22.7, City Staff recommend to amend the Council decision on Item PH 14.1 in order to bring forward the necessary bills to adopt Official Plan Amendment 680. For the following reasons, CT REIT requests that Council refuse the recommendation and engage in further consultation with respect to Official Plan Amendment 680 prior to adoption.

Official Plan Amendment 668 and 680 are contrary to provincial legislation and policy direction

Both Official Plan Amendment 668 and 680 purport to broadly protect employment lands in the City as areas of employment, despite clear provincial direction to limit areas of employment to heavy industrial uses and to make more land available for development. This approach does not represent good planning.

Further, on October 20, 2024, the Provincial Planning Statement, 2024 will come into effect (the “**PPS 2024**”). The PPS 2024 directs municipalities as planning authorities to support a modern economy, promoting economic development and competitiveness by encouraging a mix of uses within areas of employment to achieve complete communities. Official Plan Amendments 668 and 680 are inconsistent with this direction, instead having the effect of removing existing land use permissions, imposing significant barriers to diversifying employment areas for any other use other than heavy industrial uses.

We request further notice of any matters, inclusive of decisions on Official Plan Amendment 668 and 680, related to this item.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read 'Signe Leisk', is written over a light blue horizontal line.

Signe Leisk

SL/JE/nv
Encl.

Attachment “A”

Official Plan Amendment 668 Comment



July 4, 2023

Email: phc@toronto.ca

Planning and Housing Committee
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Attention: Nancy Martins, Committee
Administrator
Members of Council

**Re: Draft Official Plan Amendment for Bill 97 Transition – Authorizing the
Continuation of Institutional and Commercial Uses in Employment Areas
Planning and Housing Committee Meeting | July 5, 2023 | Item 2023.PH5.2**

We are the lawyers for CT REIT, the owner of significant lands across the City of Toronto which are improved with Canadian Tire retail stores. Some of these landholdings are within lands currently designated as Core or General Employment Areas in the City's Official Plan, as well as within Protected Major Transit Station Areas, where significant development is anticipated in support of provincial and municipal policies and goals focused on advancing intensification and transit-oriented development. CT REIT's lands at 4630 Sheppard Avenue East are also the subject of an employment conversion request supported by City staff. The purpose of this correspondence is to address the City's proposed response to Bill 97 through the proposed introduction of Official Plan Amendment 688 purporting to authorize continuation of institutional and commercial uses in employment areas (Item 2023.PH5.2).

On June 13, 2023, Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, received Royal Assent. Among other matters, Bill 97 scoped the definition of "area of employment" to traditional manufacturing, warehousing or related uses, and confirmed that office, retail and institutional uses are not business and economic uses for the purposes of the new definition, unless tied to manufacturing, warehousing or related uses. This change is to support the draft new Provincial Planning Statement 2023, which similarly limits what areas are to be considered areas of employment, and encourages mixed use development, including residential, outside of these areas to support complete communities. The draft Provincial Planning Statement confirms that municipal official plans shall not contain provisions that are more restrictive on the use of such lands. Transition provisions were added to confirm that an area of employment may include existing legally established uses, but that areas of employment may not otherwise permit this broader category of uses.

The City's staff report recommends official plan amendments coming forth now and broader amendments in the fall which purport to protect all Core and General Employment Areas in the City as areas of employment, despite their current, broader mix of uses, contrary to the provincial direction to genuinely limit areas of employment to heavy industrial uses, particularly close to goods movement corridors, while making more land available for development.

We request notice of all further meetings and decisions related to this item. Please provide such notice to the undersigned.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk

SL/CEG/nv