

October 8, 2024

**BY EMAIL TO:** [councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca) and [clerk@toronto.ca](mailto:clerk@toronto.ca)

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

**ATTENTION:** Sylwia Przewdziecki

Dear Mayor and Members of Council

**Re: 2024.CC22.7, 2024.BL22.1, 2023.PH 5.2, and 2024.PH14.1 - Approval  
Proposed Official Plan Amendment 668 and Proposed Official Plan Amendment  
680  
City Council – October 9, 2024**

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**(i) Introduction**

Aird & Berlis LLP acts on behalf of the landowners of the properties listed in Schedule “A” (collectively known as “**King Financial Holdings Limited**”), located in the City of Toronto.

The properties in Schedule “A” are currently designated *General Employment Areas* and *Core Employment Areas* in the City of Toronto Official Plan.

**(ii) Comments on Proposed OPA 668 and Proposed OPA 680**

We are writing to provide comments on the City Planning Staff Report entitled “Official Plan Amendment for Bill 97 Transition Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas – Final Report,” dated June 19, 2023, Planning and Housing Committee and City Council’s consideration of same, and City Council’s decision approving Proposed Official Plan Amendment 668 on July 19, 2023 (“**Proposed OPA 668**”). Proposed OPA 668 would address changes to the definition of “areas of employment” in the *Planning Act* made by Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023* (“**Bill 97**”). At this time, proposed OPA 668 has not yet been adopted by City Council.

We are also writing to provide comments on the City Planning Staff Report entitled “Employment Area Land Use Permissions - Decision Report - Approval”, dated June 24, 2023, Planning and Housing Committee and City Council’s consideration of same, City Council’s decision approving Proposed Official Plan Amendment 680 on July 24, 2024 (“**Proposed OPA 680**”), and the City Solicitor Report entitled “Amending Item 2024.PH14.1 in response to Bill 97 Proclamation – Employment Area Land Use Permissions – Official Plan Amendment 680”, dated October 2, 2024. Proposed OPA 680 would amend Official Plan permissions to limit permitted office and retail uses to those associated with primary employment uses. At this time, proposed OPA 680 has not yet been adopted by City Council, but is proposed to be enacted at the upcoming City Council meeting on October 9, 2024.

King Financial Holdings Limited wishes to express the following comments and concerns with respect to the Proposed OPA 668 and Proposed OPA 680:

- King Financial Holdings Limited acknowledges it is the intention of Proposed OPA 680 to provide “a level of land use certainty” to landowners and employers; however, staff’s recommendations related to Proposed OPA 680 do not implement the clear intention of the new *Planning Act* definition of “areas of employment” introduced by Bill 97. By expressly excluding institutional and commercial uses, including office uses, from the new statutory definition of “areas of employment”, the intention of Bill 97 and the *Planning Act* is clear that these uses are not intended to be subject to restrictive *General Employment Areas* and *Core Employment Areas* designations. It is our submission that City staff should therefore undertake a fulsome assessment of the appropriateness of the *General Employment Areas* and *Core Employment Areas* designations on lands which are currently planned and have existing permissions for a wide range of non-residential uses, institutional and commercial uses, and whether those sites should appropriately be redesignated given the new statutory definition of “areas of employment”.
- Proposed OPA 680 and Proposed OPA 668 do not provide sufficient clarity regarding the interpretation of “lawfully established” uses, and the permitted status of uses that may cease operations periodically. Proposed OPA 680 does not provide any further guidance regarding the concept of “lawfully established” uses within the context of Official Plan policy and designations. This lack of guidance results a lack of clarity regarding the intended application of the proposed policies. Proposed OPA 680, in conjunction with Proposed OPA 668, places an undue burden on landowners to demonstrate “lawfully established” compliance and/or legal non-conforming status. Legal non-conforming status carries a significant burden to owners in terms of limitations on future replacement and financial requirements (i.e. mortgaging). While City Council adopted a recommendation to request that the Chief Planner and Executive Director, City Planning, following Proposed OPA 668 and Proposed OPA 680 coming into effect, provide as-of-right permissions for “lawfully established” uses that continue to be permitted in the Official Plan, in the appropriate zoning categories through the zoning conformity exercise as required by the *Planning Act*, there remains a lack of certainty on the interpretation of such “lawfully established uses” and the timeline for the implementation of the zoning conformity exercise.

Furthermore, adopting the Proposed OPA 668 at the July 19 and 20, 2023 session of Council and adopting Proposed OPA 680 at the July 24 and 25, 2024 session of Council were premature in advance of the implementation of a supporting planning policy framework through the new Provincial Planning Statement, 2024 (the “**PPS, 2024**”), which was released on August 20, 2024 and is to be implemented on October 20, 2024. Proposed OPA 668 and Proposed OPA 680 should be reviewed and consulted upon based on the newly-released PPS, 2024.

Our office submitted a similar letter with Council and the City Clerk on September 5, 2024, expressing the above-noted concerns.

## Conclusion

For the reasons above, it is our respectful submission that Proposed OPA 680 does not have regard for the clear statutory intention of Bill 97 and new *Planning Act* definition of “areas of employment”. Proposed OPA 668 and Proposed OPA 680 will result in greater restriction on uses within currently designated *General Employment Areas* and *Core Employment Areas*, rather than properly determine whether existing institutional and commercial uses, including office uses, should be removed from those employment designations as intended by the legislation and policy framework. Notwithstanding the attempt in Proposed OPA 680 to recognize “lawfully established” uses, the proposed policies as drafted fail to appropriately accommodate existing permissions.

Should you have any questions about the above, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read 'Alexander J. Suriano', with a stylized flourish at the end.

Alexander J. Suriano  
AJS/NM

**SCHEDULE A**

<b>Name of Landowner</b>	<b>Address of Property</b>
170 Tycos Drive & 883 & 885 Caledonia Road	170 Tycos Drive Inc.
30 Tycos Drive	Reona Investments Inc.
3700 Weston Road & 84 Kenhar Drive	Relco Inc.

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