

October 8, 2024

**By E-Mail to *councilmeeting@toronto.ca***

Mayor Olivia Chow and Members of City Council  
City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2

**Attention: Sylwia Przezdziecki, Manager**

Dear Mayor Chow and Council:

**Re: Proposed Official Plan Amendment No. 680 and Proposed Amendment to Item 2024.PH14.1 in response to Bill 97 Proclamation - Employment Area Land Use Permissions  
City Council Agenda Item: CC22.7**

We are counsel to C3 Church 416 Inc. ("C3 Church"), the owner of the lands municipally known as 322-330 Geary Avenue in the City of Toronto (the "Lands"). The Lands are currently designated *Core Employment Areas* on Map 17 of the City's Official Plan.

C3 Church acquired the Lands in September 2021 and is currently using the building at 322 Geary Avenue for office space, media production, and mixed-use event space. Meanwhile, the building at 330 Geary Avenue is currently being leased for a recording studio and C3 Church is presently considering its options for the future use of this building.

We just recently became aware that the City Solicitor is recommending that City Council amend its previous decision regarding Item 2024.PH14.1 by deleting the direction to "withhold the necessary Bills until such time as: a. Subsection 1(1) of the *Planning Act*, as amended by Bill 97, has been proclaimed and is in full force and effect; and b. Official Plan Amendment 668 is in full force and effect with the exception of any outstanding site-specific appeals". Instead, the City Solicitor is recommending that City Council direct the necessary bills be introduced at the October 9, 10 and 11, 2024 meeting of City Council.

Although the report of the City Solicitor dated October 2, 2024, notes that a "phased approach to bill introduction is no longer recommended", it is unclear why this is the case, particularly regarding the timing for adoption of Official Plan Amendment No. 680 ("OPA 680") in relation to the timing of Official Plan Amendment No. 668 coming into effect. Thus, we question the timing of the recommended adoption of OPA 680.

Further, our client has substantive concerns with the contents of the proposed OPA 680 in its current form, including the following:

1. With the amendments to the *Planning Act* definition of an “area of employment” to be proclaimed into force on October 20, 2024, concurrent with the coming into effect of the 2024 Provincial Planning Statement and the new definition of “employment area”, we submit that these changes require the City to re-think its approach to employment lands, including the need to re-evaluate whether certain *Employment Areas* should remain designated as such, rather than simply amending the policies in its Official Plan, including the elimination or narrowing of certain existing use permissions, in an attempt to align the existing policies with the amended provincial definitions.
2. In the context of the Lands and their immediate surroundings, for example, there are a wide range of land uses, many of which do not fit within the new provincial definitions of an “employment area” and an “area of employment”. This includes existing residential uses immediately to the east of the Lands that are within the *Core Employment Areas* designation. Thus, we submit that the City should consider redesignating the Lands and surrounding properties and/or adjusting the land use permissions with a view to allowing a suitable range of uses that will permit the area to continue to evolve and be vibrant, as opposed to further limiting land use permissions that may have the effect of causing the area to decline. This is especially true in areas like this portion of Geary Avenue where the designated *Employment Areas* are in immediate proximity to and even include existing residential and/or other sensitive land uses.
3. In the proposed amendments to Section 4.6 of the Official Plan, there is reference to *Core Employment Areas* and *General Employment Areas* “[comprising] the City’s “*Employment Areas*” as defined under the Provincial Planning framework”. With respect, this language reflects a misguided approach to planning for employment lands, particularly in the context of the new provincial definitions. More specifically, the language suggests that any lands should attract the policy and regulatory protections afforded to employment areas / areas of employment, no matter how small in geographic scope and/or regardless of existing or planned uses within the immediate area, simply because they have a particular land use designation in the City’s Official Plan that pre-dated these significant changes.
4. In the proposed amendments to Section 4.6, there is also reference to a “City-initiated Municipal Comprehensive Review”. The concept of a “municipal comprehensive review” is a product of the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”). With the 2024 Provincial Planning Statement coming into effect on October 20, 2024, the Growth Plan will no longer apply. As a result, it is unclear how this reference is intended to apply within the context of the new provincial policy framework.

We thank City Council, in advance, for its consideration of this submission.

Kindly ensure that we receive notice of any Council decision(s) concerning this matter.

Yours truly,  
**DAVIES HOWE LLP**



Mark R. Flowers  
Professional Corporation

copy: Adrienne deBacker and Cameron McKeich, City of Toronto, Legal Services Division  
Client