



VIA EMAIL

July 10, 2024

ATTN: Nancy Martins, Administrator Planning and Housing Committee

Planning and Housing Committee

Toronto City Hall

100 Queen Street West

Toronto

Toronto, ON M5H 2N2

Dear Chair Perks and Members of the Planning and Housing Committee

**Re: PH14.1 – Employment Area Land Use Permissions – Decision Report
– Approval**

Various Properties

Comments on Behalf of CP REIT Ontario Properties Limited,

Canadian Property Holdings (Ontario) Inc., and Loblaw Properties

Limited

Our File: CHO/TOR/24-02

We are the planning consultants for CP REIT Ontario Properties Limited, Canadian Property Holdings (Ontario) Inc., and Loblaw Properties Limited (herein referred to collectively as the “Owners”), the landowner of the following properties in the City of Toronto:

Property Address	City of Toronto Official Plan Designation	Registered Property Owner
1965 Lawrence Avenue West	Core Employment Area	CP REIT Ontario Properties Limited
650 Dupont Street	General Employment Area and Mixed Use Areas	CP REIT Ontario Properties Limited
681 Silver Star Boulevard	General Employment Area	CP REIT Ontario Properties Limited
51 Gerry Fitzgerald Drive	General Employment Area	CP REIT Ontario Properties Limited
514 Carlingview Drive	Core Employment Area	CP REIT Ontario Properties Limited
42-46 Overlea Boulevard	General Employment Area	Canadian Property Holdings (Ontario) Inc.
330 Queen's Plate Drive	General Employment Area	CP REIT Ontario Properties Limited
2549 Weston Road	General Employment Area	CP REIT Ontario Properties Limited
17 Leslie Street	General Employment Area	CP REIT Ontario Properties Limited

11 Redway Road	General Employment Area	CP REIT Ontario Properties Limited
100 Disco Road	Core Employment Area	Canadian Property Holdings (Ontario) Inc.
825 Don Mills Road	General Employment Area	Loblaw Properties Limited

In conformance with the Toronto Official Plan, all of the above-noted properties under the *Employment Areas and General Employment Area* designations are developed with commercial uses, including retail uses, while the three above-noted properties under the *Employment Areas and Core Employment Area* designations are developed with industrial and/or warehousing uses.

On behalf of the Owners, we have been monitoring the City of Toronto's updates to the *Employment Areas* policies in accordance with Bill 97 – *Helping Homebuyers, Protecting Tenants Act*. The Owners have previously submitted letters with preliminary comments on this matter, including the following:

- “Re: Council Item PH5.2 - Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas - Final Report”, prepared by Aird & Berlis dated July 18, 2023 [Attached as Appendix A]; and
- “Re: Item PH8.14 - Directions to Amend Official Plan Employment Area Policies: Proposals Report Planning and Housing Committee Meeting November 30, 2023”, prepared by Aird & Berlis dated November 29, 2023 [Attached as Appendix B].

We have reviewed the Staff Report and associated attachments dated June 24, 2024, including the draft Recommended Official Plan Amendment 680 (“OPA 680”). The Staff Report recommends that Council adopt OPA 680 as presented in Attachment 1 to the report. Having reviewed these materials, we offer the following preliminary comments on behalf of the Owners:

- **The adoption of OPA 680 is premature.** Subsection 1(1) of the *Planning Act* has not yet been proclaimed and will not be in full force and effect until this future date, which remains undetermined. Further, Official Plan Amendment 668 (“OPA 668”), upon which draft OPA 680 relies and purports to work in tandem with, has not yet been approved by the Minister. In addition, the proposed new Provincial Planning Statement (“PPS”) has not yet been brought into effect, which draft OPA 680 will need to be consistent with. We suggest further consultation with stakeholders and the resolution of the above-noted precursors is necessary prior to adoption. We suggest that the approach to addressing the changes to the definition of *Area of Employment* should be consolidated into a single comprehensive process, instead of a piecemeal approach.
- **The distinction between the *Core Employment Area* and *General Employment Area* designations is unclear and would be eroded as a result of draft OPA 680.** Ancillary retail and service uses are currently permitted in the *Core Employment Area*, whereas these uses are more broadly permitted in the *General Employment Area* without an “ancillary” qualifier. Draft OPA 680 proposes to limit the *General Employment Area* with a similar qualifier: that retail and service uses must be “associated” with a permitted industrial use identified in the *Core Employment Area*. The effect is that these separate designations, intended to function distinctly, have been effectively merged in terms of applicable policy.

- **Draft OPA 680 does not provide clarity as to the conditions of associated uses that may be permitted.** Draft Policy 4.6.1 adds the qualifier that offices are permitted only where “associated”. Draft Policy 4.6.3 adds the same “associated” qualifier with regard to retail. In both cases, it is unclear how the “associated” term is defined, and what the criteria for determining if a use is associated will be. We request clarity on whether an office, retail, restaurant, and/or service use is considered “associated” if it serves employees of the respective Employment Area, and/or what other conditions must be met to conform to Draft Policy 4.6.3. Draft Policy 2.2.4.2(d) states “Employment Areas will be used exclusively for business and economic activities in order to: [...] d) provide opportunities for new office buildings, where permitted”. As there is a lack of clarity, we request additional specificity as to where these new office buildings would be permitted.
- **Draft OPA 680 is not consistent with the intent of Bill 97.** As noted by Aird & Berlis (November 29, 2023 – Appendix B), the intent of Bill 97 is not to threaten the viability of existing retail, office, and institutional uses in areas with an Official Plan designation of *General Employment Area*. In our submission, the City should reevaluate the Official Plan designations that apply to properties that do not fit with the new definition of *Areas of Employment* created by Bill 97. In other words, lands within an existing *General Employment Area* designation that contain uses such as office, retail, restaurant, and service should be considered for redesignation to a more appropriate designation that is consistent with Provincial direction, rather than being left with uncertain “lawfully established” policies under OPA 668.
- **Draft OPA 680 does not address the uncertainty of continuation of lawfully existing uses.** As noted by Aird & Berlis (July 18, 2023 – Appendix A), OPA 668 did not provide appropriate guidance on lawfully established uses for properties that met the previous definition of *Area of Employment*, but may not meet the new definition. In our submission, policies surrounding the continuation, expansion, and/or modification of such uses are notably absent from either OPA 668 or draft OPA 680, creating an uncertain planning policy framework and precarious existence for landowners and tenants of such uses.

We would welcome the opportunity to meet with Staff to discuss our comments further.

In addition, please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as notice of the decision of the approval of OPA 680.

Should you have any questions, or require further information, please do not hesitate to call.

Sincerely,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Principal Planner

cc. Choice Properties REIT (via email)
Loblaw Properties Limited (via email)
David Neligan, Aird & Berlis LLP (via email)