



July 10, 2024

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City of Toronto
Planning and Housing Committee
Toronto City Hall
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file #000001-01434

Attention: Nancy Martins, Administrator

Dear Ms. Martins:

**Re: Planning and Housing Committee Meeting – July 11, 2024
Agenda Item 2024.PH14.1
Employment Area Land Use Permissions**

We are the lawyers for The Governing Council of the University of Toronto (the “University”), the registered owner of a 12.08 hectare site located generally southeast of Steeles Avenue West and Dufferin Street, municipally known as 4925, 4961 and 5201 Dufferin Street (the “Lands”). A request to covert the Lands’ northern 2.58 hectares, was submitted in 2021 with various technical studies supportive of a mix of residential and associated employment uses to support the University (the “Request”). We are writing to comment on the City’s second proposed official plan amendment in response to Bill 97, Official Plan Amendment 680 (“OPA 680”). We attach our previous correspondence to Council with respect to the City’s OPA 668, adopted in July 2023, and note that our submission on OPA 668 equally apply to OPA 680.

OPAs are contrary to provincial legislation and policy direction

Both official plan amendments 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.

OPAs should exclude the Lands

We request that the Committee amend OPA 680 to expressly exclude the Lands from its application and that of the provisions to OPA 668. In the alternative, the City should refuse to approve OPA 680, which in our view, does not represent good planning and is not in the public interest.

Staff's recommendations fail to account for the unique nature of any given parcel of land, including the Lands. The staff report identifies that staff undertook a local-based analysis to determine impacts to existing business, and that only certain sites would be impacted by the amendments to the "areas of employment" definition in Bill 97. However, OPA 680 purports to apply to all *Employment Areas*, including sites with non-employment area uses and active conversion requests. As noted in the Request and subsequent correspondence with the City, the Lands are appropriate to be developed with a mix of uses. The need to pursue mixed-use development on the Lands is also consistent with the Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024* amendments intended to expedite university development and encourage additional institutional housing. Accordingly, it is our view that the broad-brush approach taken in OPA 680 runs contrary to provincial policy and should be amended accordingly.

We thank you for the opportunity to provide comments and ask that our office is provided with notice of any meetings and decisions related to this matter.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk

SL/AP/MLH
Encl.



July 18, 2023

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Attention: John D. Elvidge, City Clerk
Sylvia Przedziecki

Dear Mayor and Members of Council:

**Re: Planning and Housing Committee Agenda Item – 2023.PH5.2, July 5, 2023
Official Plan Amendment for Bill 97 Transition – Authorizing the Continuation of
Institutional and Commercial Uses in Employment Areas
Council Meeting, July 19, 2023**

We are the lawyers for The Governing Council of the University of Toronto, the owner of an approximately 12.08 hectare site located generally southeast of Steeles Avenue West and Dufferin Street, municipally known as 4925, 4961 and 5201 Dufferin Street. The property's northern 2.58 hectares is the subject of Request to Convert 056. We are writing to comment on the City's proposed response to Bill 97 through the proposed introduction of Official Plan Amendment 668, which purports to authorize continuation of institutional and commercial uses in employment areas.

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 new draft 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 lands 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. Such an approach fails to account for the unique nature of any given parcel of land, including the University's property, which, in our view, and as detailed in the original conversion request and subsequent correspondence to the City, is appropriate to be designated and developed as a Mixed Use Area. Finally, in our view, Official Plan Amendment 668 is premature and should not proceed in advance of the substantive review staff propose for later in the fall to ensure conformity with provincial policy and direction.

We thank you for the opportunity to provide comments and ask that our office is provided with notice of any meetings and decision related to this matter.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk

SL/AP/nv