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Our File No.: 000031

**Delivered Via Email**

Planning and Housing Committee  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Nancy Martins (phc@toronto.ca)**

Dear Sirs/Mesdames:

**Re: Item No. PH14.1 – Employment Land Use Permissions – Decision Report -  
Approval  
Proposed Official Plan Amendment No. 668  
Proposed Official Plan Amendment No. 680**

We are solicitors for SmartCentres REIT, which along with its affiliated companies have interests in various properties throughout the City of Toronto. In particular, our client and its affiliated companies have numerous properties predominantly occupied by retail and office uses that are designated as *Employment Areas* in the City of Official Plan. The registered owners of these various properties are included in Schedule A to this letter.

Our client has previously provided comments to the City on November 29, 2023 regarding the proposed policy direction for Official Plan Amendment No. 680 (“**OPA 680**”). Those comments have not been acknowledged in the staff report, let alone addressed in any proposed revisions to OPA 680. As such, we are writing again to the City to express our client’s concerns, including on behalf of the registered owners, with the inappropriate emerging policy direction at the City in response to Bill 97 and the draft new *Provincial Policy Statement*.

Given the stated intention by City staff that proposed Official Plan Amendment 668 (“**OPA 668**”), which has received Council endorsement, is intended to work in tandem with OPA 680, this letter should also be treated as our client’s written representations to City Council regarding OPA 668.

Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*) received Royal Assent on June 13, 2023. Bill 97 specifically narrowed the definition of “area of employment” to traditional manufacturing, warehousing and related uses. At the same time, Bill 97 confirmed that office, retail and institutional uses are not business and economic uses, unless directly associated with

manufacturing, warehousing or related uses. This new definition is linked to the draft new *Provincial Policy Statement*, which similarly limits the scope of areas of employment.

The intent of Bill 97 and the new *Provincial Policy Statement* is clear. Areas subject to employment conversion policies and statutory provisions are limited to areas with traditional manufacturing, warehousing or related uses. At the same time, mixed use development is to be encouraged outside of these areas to support complete communities. Where institutional and/or commercial uses are permitted, those areas are not longer considered an “area of employment”.

The proposed policy direction for OPA 680 is directly contrary to the legislative intent of Bill 97 June 13, 2023. The policy direction that the City should be implementing would consider which lands within the City truly meet the new definition of area of employment. Instead, through OPA 680, the proposed policy direction is to remove existing land use permissions from all of the City’s employment areas without examining whether it is appropriate to do so. This would effectively prevent consideration of expanded development opportunities in accordance with Bill 97 to meet provincial and municipal forecasts while negatively impacting the existing planning function of many of those areas. Further, it essentially removes any distinction between lands designated as *Core Employment Areas* and *General Employment Areas*.

Our client has a number of properties that would be negatively impacted by the removal of existing use permissions. Many of these uses have existed and operated for a significant period of time without impact on surrounding lands. Not only would the City initiative lead to detrimental impacts on existing operations and services but also it would discourage reinvestment given the resulting legal non-conforming status at a policy level. The City initiative is also at odds with initiatives in certain *City Employment Areas* with specific direction for a broad list of permitted uses, including retail and office uses.

We understand that the City staff view is that OPA 668 would allow institutional and commercial permissions to continue generally in all existing employment areas despite OPA 680’s removal of those permissions. However, we believe this interpretation is incorrect, meaning that our clients may also need to appeal OPA 668.

On behalf of our client, we respectfully request that Planning and Housing Committee reject the proposed policy direction for OPA 680. Instead, Planning and Housing Committee should direct City staff to review all existing lands designated as *Employment Areas*, determine which of these areas meet the new definition of area of employment, and consider the resulting appropriate land use permissions. Planning and Housing Committee should also direct City staff to clarify the nature of continuing land use permissions through revisions to OPA 668 that appropriately implement Bill 97.

As presently proposed, OPA 680 does not meet the legislative intent of Bill 97, is inconsistent with Provincial policy, and does not represent good land use planning. This would leave our client with no choice but to appeal OPA 680 ad, as noted, potentially OPA 668.

We would appreciate being included on the City notice list for any City Council decision regarding OPA 668 or OPA 680.

Yours truly,

**Goodmans LLP**



David Bronskill  
DJB/

cc. Client

**SCHEDULE A**

**REGISTERED OWNERS AND MUNICIPAL ADDRESSES**

Registered Owner	Properties of Interest
3685 Keele Street Ltd.	3685 Keele Street
401 Weston Centre Limited Calloway REIT (Weston-401) Inc.	2625A Weston Road
Calloway REIT (Etobicoke-Index) Inc.	162 North Queen Street
Calloway REIT (Leaside) Inc.	147 Laird Drive
Calloway REIT (Scarborough) Inc.	799 Milner venue
Calloway (REIT) Stockyards Inc.	2471 St. Clair Avenue West
Colville Developments Limited	70 Colville Road
Eastern Avenue Developments Limited	629 Eastern Avenue
Fieldcran Enterprises Limited	32 Cranfield Road
Leaside Shopping Centres Limited	70 Wicksteed Avenue
Lesmill Shopping Centres Lesmill North Investments Inc.	840-842 York Mills Road
Lissard Holdings Limited	77 St. Regis Crescent South 3675 Keele Street
North Park Shopping Centres Limited	50, 52, 64, 66, 68 Colville Road 1275 Lawrence Avenue West 1305 Lawrence Avenue West
Stephen-Mitchell Realty Limited Ledbrow Investments Ltd.	1100 O'Connor Drive & 6 Dohme Avenue

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