

10 July 2024

Sent via e-mail to phc@toronto.ca

Nancy Martins
Administrator, Planning and Housing Committee
100 Queen Street West, 10th Floor,
West Tower, Toronto ON
M5H 2N2

Dear Ms. Martins and Committee Members,

**Re: Item PH14.1 - Employment Area Land Use Permissions - Decision Report
City of Toronto Official Plan Amendment 680**

We represent the registered owners of each of the following properties in the City of Toronto (the “City”), as well as Morguard Corporation as agent to each of the registered owners:

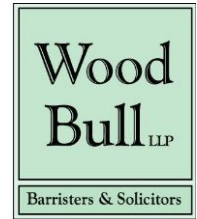
1. 1875 Leslie Street (**registered owner:** Morguard Realty Holdings Inc.)
2. 200 Yorkland (**registered owner:** Morguard Realty Holdings Inc.)
3. 279 Yorkland (**registered owner:** Morguard Realty Holdings Inc.)
4. 285 Yorkland (**registered owner:** Morguard Realty Holdings Inc.)
5. 2041-2051 McCowan Road (**registered owner:** Morguard Realty Holdings Inc.)
6. 2101-2111 McCowan Road (**registered owner:** Morguard Realty Holdings Inc.)
7. 2121-2151 McCowan Road (**registered owner:** Morguard Realty Holdings Inc.)
8. 951 Milner Ave (PINs 06192-0140, 06192-0041 and 06192-0042) & PIN 06192-0228 (**registered owner:** Scarborough Automotive Centre Limited)
9. 945 Wilson Avenue (**registered owner:** Markglen Investments Limited.)

The above-noted properties are subject to *Employment Area* designations in the Toronto Official Plan (the “OP”), and contain a mix of industrial, office, retail, service commercial and automotive uses, all of which are currently permitted by the Official Plan.

On behalf of Morguard Corporation, MHBC provided submissions to the Planning and Housing Committee (the “Committee”) dated 30 November 2023 regarding concerns with Official Plan Amendment No. 680 (“OPA 680”). A copy of that letter is attached for ease of reference. The registered owners of the above-noted properties hereby adopt those submissions.

Regrettably, the concerns that were identified in MHBC’s letter were not addressed in the draft OPA 680 now before the Committee for consideration on 11 July 2024. Accordingly, we write to re-state our clients’ concerns as expressed in MHBC’s letter, which we summarize below for the benefit of this Committee:

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Summary of Submissions

As we understand it, the intent of OPA 680 is to align the City’s employment policies with the new definition of "area of employment" in the *Planning Act* (as amended by Bill 97) and as reflected throughout the proposed PPS 2024. The new definition removes commercial uses and institutional uses from the concept of “areas of employment”. The PPS 2024 will further introduce policies that direct the protection and preservation of employment lands for industrial uses with ancillary office and retail.

It is our understanding that these legislative and policy changes were meant to remove commercial and institutional uses from the protection afforded to “areas of employment”, not to revoke existing permissions for commercial and institutional uses. Regrettably, OPA 680 does the latter. Accordingly, OPA 680 does not meet the intent of the legislative changes and unnecessarily restricts use permissions.

By effectively rendering existing *Employment Area* sites as “non-conforming” through this initiative (as the Zoning By-laws will need to be updated to conform to Official Plan policy), our clients are concerned that their ability to mortgage and further invest in these sites will be undermined. This will have a tremendously negative impact on these sites, undermining other key economic development policies and initiatives of the City.

We do not believe that OPA 680 has fully considered the implications that the policy will bring for landowners, retail and building industries, the general public and other stakeholders who own or operate lands within *Employment Area* designations.

Request

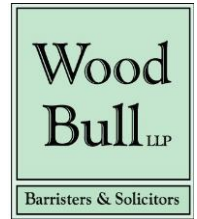
For the above-noted reasons, we request the Committee defer this matter for future review and consultation. Should the Committee proceed with recommending adoption of OPA 680, we request it be modified to clearly state that uses that existed prior to OPA 680 being approved are permitted such that our clients existing and future operations are not extinguished or otherwise hampered.

We request notice of any further Community Council, Committee or Council meeting as well as any Notice of Decision in regard to this matter.

Yours very truly,

Wood Bull LLP

10 July 2024



A handwritten signature in blue ink, which appears to read "Jshapira".

Johanna R. Shapira

JRS/as

Encls.

c. client



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

November 30, 2023

Chair Perks and Members of Planning and Housing Committee

City of Toronto
100 Queen Street West, 10th Floor, West Tower
Toronto, Ontario
M5H 2N2

Sent by email: phc@toronto.ca

Dear Chair Perks and Members of Planning and Housing Committee:

**RE: PH8.14 – CITY OF TORONTO OFFICIAL PLAN AMENDMENT 680
MORGUARD CORPORATION
OUR FILE: 9519U**

On behalf of our client, Morguard Corporation (“Morguard”), we are providing this letter regarding the City of Toronto Draft Official Plan Amendment (hereinafter “OPA 680”), specifically relative to our client’s existing sites and facility operations in the City of Toronto within *Employment Areas*:

- 1) 1875 Leslie Street
- 2) 200 Yorkland
- 3) 279 Yorkland
- 4) 285 Yorkland
- 5) 2041-2051 McCowan Road
- 6) 2101-2111 McCowan Road
- 7) 2121-2151 McCowan Road
- 8) 951 Milner Ave (PINs 06192-0140, 06192-0041 and 06192-0042) & PIN 06192-0228 (adjacent to 60 Auto Mall Drive)
- 9) 945 Wilson Avenue

Morguard’s properties contain a mix of industrial, office, retail, service commercial and automotive uses, all of which are currently permitted in the City’s *Employment Areas*. As discussed in the staff report, OPA 680 proposes various amendments to Official Plan *Employment Areas* policies in Chapter 2, 3 and 4 of the City of Toronto Official Plan. Specifically these changes would limit permitted office, service commercial and retail uses within Employment Areas to only those which are ancillary to industrial, warehousing and other *Core Employment Area* uses.

Earlier this year, the Province introduced new policy and legislative changes to amend various employment related policies to bring the City of Toronto Official Plan into alignment with the definition of “Area of Employment” in the Planning Act, as amended by Bill 97. It is our understanding that the intent behind this legislative change was to remove office, retail and institutional uses as being protected as “Area of Employment” rather than revoking use permissions. This distinction is crucial. The proposed amendment

appears to misinterpret the original intent, leading to unnecessary restrictions on these uses and ultimately leading to the sites becoming a legal non-conforming use.

Morguard does not believe that the changes proposed by City staff are appropriate nor what the Province intended as noted above. Doing so could lead to a detrimental impact on its properties and the ongoing operations and services its tenants provide within *Employment Areas*. Further, it effectively removes the distinction between the *Core Employment Areas* and *General Employment Areas* designations, rendering the latter meaningless – again this is not the intention of Bill 97 from our understanding. It would also have a detrimental and undermining impact on such *Employment Area* initiatives that have been successfully implemented using broad employment uses (including retail and offices), such as the Castlefield-Caledonia Design District, the Geary Works area and the ConsumersNext area (where the Yorkland Properties noted above are located).

Lastly, by effectively rendering sites as “legally non-conforming” through this initiative (as the Zoning By-laws will need to be updated to conform to Official Plan policy), our client is concerned that their ability to mortgage and further investment in these properties will be undermined by this unnecessary new policy regime. This will have a tremendously negative impact on these properties, undermining other key economic development policies and initiatives of the City.

We find that the current approach taken by City staff is an overreaction that has not fully considered the implications for landowners, retail and building industries, the general public and other stakeholders. A decision of this scale requires a more inclusive dialogue, ensuring that all affected parties have the opportunity to provide input and that the City fully understands the impact of such changes.

We therefore request the Planning and Housing Committee defer this matter for future review and consultation. Should the City proceed with OPA 680, we would request it be modified to clearly state that uses which existed prior to OPA 680 being approved are legally conforming and permitted in perpetuity such that our clients existing and future operations are not extinguished or otherwise hampered.

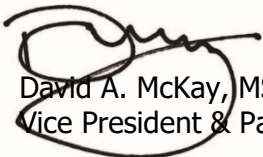
We kindly request to receive notifications regarding any decisions made by the City Council or Committee of Council pertaining to this matter.

If you have any further questions, please do not hesitate to contact the undersigned.

Thank you.

Yours truly,

MHBC



David A. McKay, MSc, MLAI, MCIP, RPP
Vice President & Partner

cc. Clients