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July 11, 2024

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

Sent by email: phc@toronto.ca

RE: PH14.1 - Employment Area Land Use Permissions - Decision Report (OPA 680)

Dear Members of the Planning and Housing Committee,

I am writing on behalf of 2530507 Ontario Inc., and the Dunpar group of companies, which own several sites impacted by Official Plan Amendment (OPA) 680, including 35 Cawthra Avenue, 2650 St. Clair Avenue, 53 Judson Avenue, 200 Ronson Drive, 994 Islington Avenue, 1092 Islington, and 105 Six Point Road. We intend to formally appeal OPA 680 for the reasons outlined below.

Background: The City's proposed OPA 680 stems from the Province of Ontario's Bill 97, which aims to address the lack of affordable housing across the province. Bill 97 reintroduces a clear distinction between industrial/manufacturing uses and retail/office/institutional uses. Historically, these uses have been collectively referred to as Employment uses and treated similarly. Under the new bill, lands designated for these uses in an Official Plan may not be converted for residential development except through a municipally-initiated comprehensive review (MCR). By redefining what has traditionally been considered industrial and commercial uses into two distinct categories, Bill 97 allows for commercial (retail and office) and institutional lands to be treated differently.

Concerns with OPA 680: We take issue with how the City has attempted to align to land use permissions within the Employment Areas with the new definition of "area of employment" in the Planning Act as amended by Bill 97. Like many property owners, particularly those with holdings in Etobicoke, we believe this approach will limit the flexibility of converting retail and office sites to residential or partially residential.

The flexibility issue under OPA 680 arises from combining various types of commercial and employment lands into one category, which restricts the conversion of these lands to residential uses. Previously, commercial lands, such as those used for retail or offices, could be converted to housing as they were not strictly defined as employment areas. By aligning the City's land use permissions with these new definitions, OPA 680 imposes restrictions that hinder potential residential development in areas well-suited for such conversions. This change could significantly impact the ability to address the housing shortage.

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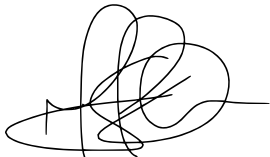
Additionally, the proposed changes to the City of Toronto Official Plan designations would effectively render many sites legal non-conforming uses. We and many of our tenants are concerned that this change in permission will exclude them from updating, retrofitting, or redeveloping their properties, which includes their existing permissions for retail uses. This restriction could also limit opportunities for modernization and adaptation to current market needs.

Recommendation: We strongly recommend that City staff take a site-specific and contextual approach when considering the application of these new definitions. Each site has unique characteristics that should be evaluated individually rather than under a blanket policy that could stifle development and limit opportunities for creating much-needed residential housing.

We request that the Planning and Housing Committee refer this report back to City staff to review all existing lands designated as areas of employment on a case-by-case basis.

We believe that a more nuanced approach will better serve the City's objectives of increasing housing stock while maintaining the flexibility necessary for the successful redevelopment of commercial and institutional lands. We appreciate your consideration of our concerns and recommendations.

Sincerely,



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