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**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: PH21.1 – CITY OF TORONTO OFFICIAL PLAN AMENDMENT 804
4646 DUFFERIN STREET, NORTH YORK**

On behalf of our client, 2129152 Ontario Inc., we are writing to express its concerns respecting City of Toronto Draft Official Plan Amendment OPA 804 (hereinafter “OPA 804”) as it affects its property located at 4646 Dufferin Street in North York (“4646 Dufferin”).

4646 Dufferin, shown below in yellow, is occupied by a single storey building containing a wide variety of non-residential uses including recreational, medical, retail and office uses and a large surface parking lot.

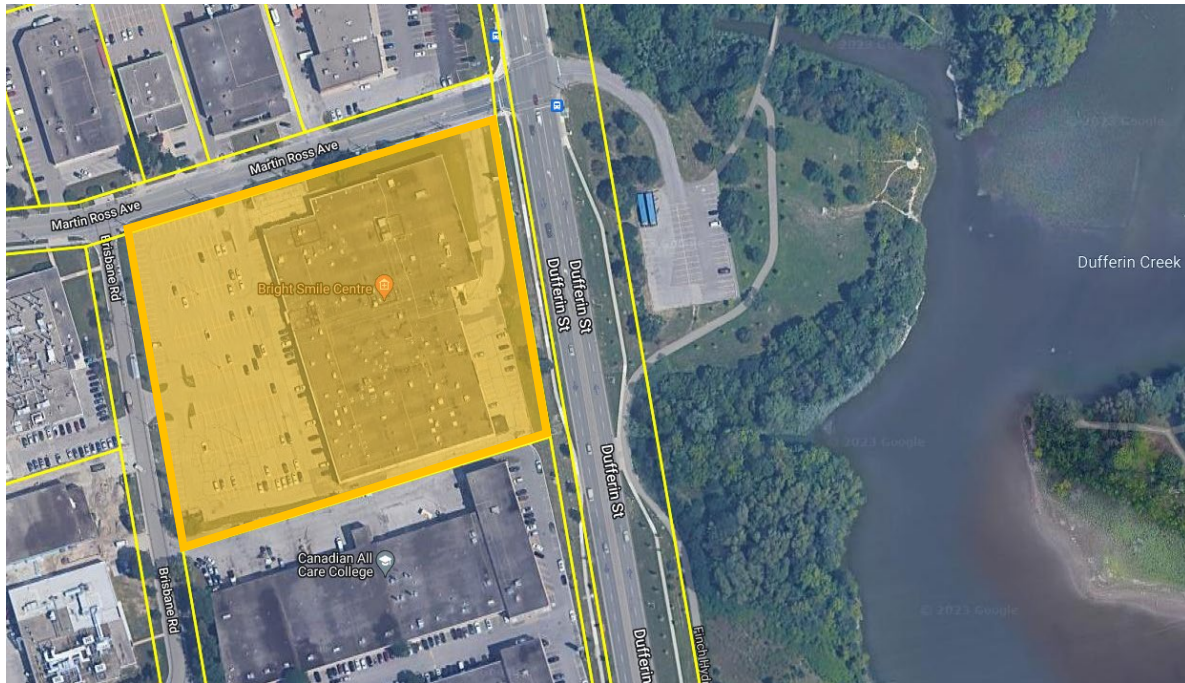


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4646 Dufferin is currently designated General Employment Areas in the Official Plan. As shown in the attachment, the Subject Lands are surrounded by significant amounts of retail, commercial and office uses, most of which are not associated with, or are not ancillary facilities to, manufacturing, research and development or warehouse uses.

Through Bill 97, the Province introduced legislative changes to the definition of “Area of Employment” in the Planning Act. It is our understanding that the intent behind this legislative change was to re-define what is permitted within an “Area of Employment” to (a) include manufacturing, research and development and warehousing uses as well as associated office and retail uses and related facilities and (b) not include institutional uses and commercial uses including the types of office and retail uses permitted within an “Area of Employment”. Essentially the same definitional structure is found in the new Provincial Policy Statement definition of “employment area”.

4646 Dufferin does not contain the uses intended to be located within an “Area of Employment”; rather it contains existing uses which would disqualify it from being an “Area of Employment”. It is also benefitted by a range of permitted uses in the zoning by-law which would equally not be consistent with the limited permissions of an “Area of Employment”.

The problem confronting our client is that OPA 804 does not accept this simple logic and redesignate 4646 Dufferin with a non-employment area designation, such as regeneration area or mixed use area or institutional area (as is proposed in OPA 804 for the Agha Khan Museum and Ismaili Centre in order to permit seniors accommodation, including nursing homes, long term care facilities, retirement homes, and their ancillary and supportive uses).

Such a redesignation would be consistent with the recommendation of Ministry staff to City staff to align properties with the new provisions of the Planning Act and Provincial Planning Statement. It would also recognize that 4646 Dufferin meets the tests established by staff in determining which properties to release from the employment areas designations (Staff Report, 23 April 2025, pages 5-6).

Rather OPA 804 proposes to retain 4646 Dufferin Street as an “Area of Employment” by (a) retaining its existing designation of General Employment Area and (b) including a policy which essentially deems 4646 Dufferin (and many other similar properties in the City) to be an “Area of Employment” because it contains “established” uses which are not permitted within an “Area of Employment” (see s.1(1.1) of the Planning Act and policy 4.6.10 of OPA 804).

This is an inappropriate application of s 1(1.1) of the Planning Act which was intended to protect uses already established in an area along with existing uses permitted under the new definition of an “Area of Employment” but which would not continue to be permitted under the new definition.

The approach of OPA 804 is to use s.1(1.1) of the Planning Act as a backdoor tool to continue to include almost all the General Employment Areas of the existing Official Plan as Areas of Employment, even though properties like 4646 Dufferin should be removed from the designation. This approach undermines the intent of the Province in redefining “Areas of Employment” to facilitate the release of properties like 4646 Dufferin for other needed uses, such as medical, commercial and residential.

Taken as a whole, OPA 804 is not consistent with the recommendations of Ministry staff to revoke OPA 668 and OPA 680 because the provisions of these policy documents (with very modest changes) are the core policies of OPA 804. Removing several areas from the employment areas designation (under OPA 804) could have been accomplished under the OPA 668/680 policy regime.

Ancillary to the above concerns is the fact that OPA 804 departs from the definitional language of s.1 of the Planning Act as to what constitutes a permitted use within an “Area of Employment” .

Our client is disappointed that the intent and purpose of the amendments to the Planning Act and the policies of the Provincial Planning Statement have not been faithfully carried out in OPA 804.

We therefore request the Planning and Housing Committee (and City Council) to defer consideration of OPA 804, at least respecting 4646 Dufferin, to facilitate further review and consultation with our client and its advisors respecting our submissions above.

Should the Committee (and City Council) proceed with OPA 804, we request that it be modified to indicate that uses established prior to OPA 804 being approved can continue

to operate under OPA 804 as legally permitted uses. This is necessary to ensure that our client's rights of use are not undermined in any manner.

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

Thank you.

Yours very truly,

WOOD BULL LLP

A handwritten signature in blue ink, appearing to read "DW", with a stylized flourish at the end.

Dennis Wood
DW/dlg

4646 Dufferin Street (in Blue) – Surrounding Land Uses

