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File No. 24220

May 12, 2025

By Email clerk@toronto.ca

Her Worship Mayor Olivia Chow and Members of City Council
c/o City Clerk
100 Queen Street West, 13th Floor W.
Toronto, ON., M5G 2N2

Attn: Mr. John Elvidge

Dear Mayor Chow:

**Re: Proposed OPA 804
May 8, 2025 Planning and Housing Committee Agenda Item PH21.1 – Official Plan
Amendments to Align with Provincial Legislative and Policy Changes Related to
Employment Areas - Decision Report**

Property: 2424 Finch Avenue West, Toronto

We are legal counsel to the owner of 2424 Finch Avenue West, Toronto (the “**Subject Property**”). The Subject Property is L-shaped with frontage on both north side of Finch Avenue West and the east side of Milvan Drive. The Subject Property is designated *General Employment Areas* in the City’s Official Plan. The Subject Property is within the council approved Milvan-Rumike Protected Major Transit Station Area. The Subject Property represents an under-utilized site which is an excellent candidate for redevelopment for considerably higher density and for a mix of uses, including residential units. As a result of its size and location, the Subject Property is capable of accommodating a large number of dwelling units which can make an important contribution towards the City’s, Province’s and Country’s housing crisis. Towards that end our client applied for a PAC meeting (on or about January 28, 2025) which meeting was held on March 27, 2025. The development concepts provided to the City in support of the PAC meeting contemplated a mixed-use development with approximately 4,600 residential units and ground floor retail uses. Following the PAC meeting our client obtained the City’s checklist of the materials and studies required for a complete application (Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision). Preparing these studies takes time but they are underway and our client intends to file complete applications in due course.

In the meantime, the City is undertaking a review of the policies applicable to *General Employment Areas* through its consideration of proposed OPA 804. As drafted, OPA 804 proposes substantial amendments to the land use policies for the Subject Property, and many others which are likewise designated General Employment Areas. For the reasons provided herein, our client strongly opposes OPA 804 and its application to the Subject Property.

PROVINCIAL CHANGES TO EMPLOYMENT LANDS

As you are aware, the Province has demonstrated its intent to balance the need to protect employment lands with the need to ensure that adequate housing is available for existing and future residents. To that end, Bill 97 (the Helping Homebuyers, Protecting Tenants Act, 2023) received Royal Assent on June 13, 2023. Among other matters, Bill 97 amended the Planning Act definition of “area of employment”, narrowing its scope to traditional employment operations like manufacturing, warehousing, and related uses. Concurrently, these same amendments confirmed that land use designations that permit free standing office, retail and institutional uses are not business and economic uses and thus not properly employment lands. These Bill 97 amendments mirror the approach in the Provincial Planning Statement 2024 (“PPS 2024”), which similarly excludes such uses in its definition of an “employment area”.

Taken together, the changes introduced by the Province in Bill 97 and the PPS 2024 clearly redefine employment areas. Employment lands are now clearly delineated as only those which house traditional manufacturing, warehousing or related uses. Those employment lands remain subject to conversion policies and statutory provisions that are designed to protect them. For areas that have been planned (or built) for a broader range of non-residential uses, such as free-standing commercial, retail, office or institutional, such protections are no longer required and a broader range of uses which support complete communities, including residential, are to be encouraged.

CONCERNS WITH PROPOSED OPA 804

Our client has concerns with proposed OPA 804 and with its application to the Subject Property.

Similar to the approach which the City took when it adopted OPAs 668 and 680, both of which are subject to ministerial approval but have not received such approval, OPA 804 continues to ignore the Province’s clear direction to revise the planning framework for employment lands. Instead, OPA 804 proposes to “freeze” existing designations for all lands previously designated for employment, and to remove permitted permissions for free-standing commercial, retail, office and institutional uses. The City proposes to do this not because this might represent good planning (it does not) but as a knee-jerk immediate response to thwart the clear direction from the province. This approach ignores any site-specific factors or characteristics and instead imposes a wholesale removal of existing land use permissions for an enormous portion of lands across the City. This approach fails good planning and the public interest by neglecting to

engage with the substance of the Province's directions, and foregoing the necessary work of evaluating the actual planning required in response to Bill 97 and the PPS 2024.

For lands in the City of Toronto, implementing Bill 97 and the PPS 2024 requires a more nuanced approach than is offered by OPA 804 (or by OPAs 668 and 680 before it). The existing employment land framework of Core and General Employment Area designations established a distinction that assumed separation of "main" and "secondary" employment areas, with traditional employment uses generally fitting into the former, and a broader range of uses being permitted in the latter. With the changes introduced by Bill 97 and PPS 2024, the importance of protecting *Core Employment Area* is maintained as is the importance of redeveloping *General Employment Areas*. The proposed wholesale removal of uses from *General Employment Areas* thwarts the clear provincial direction and does nothing to address the housing crisis.

At the statutory public meeting on May 1, 2025, City staff confirmed that a consequential impact of the approach taken with OPA 804 will be a need for greater staff resources in the future to process site-specific requests for office, commercial, retail and institutional uses. Rather than undertake a meaningful review of employment lands at this critical juncture, OPA 804 proposes to ignore this important planning analysis and require individual landowners to deal with it instead.

REQUESTED RELIEF / MODIFICATIONS

For the foregoing reasons our client submits that OPA 804 has been rushed, lacks the proper fulsome analysis that it deserves, fails to respect let alone implement Bill 97 and the PPS 2024, does not represent good planning and is not in the public interest. Our client requests that OPA 804 be returned to staff for further consideration of the matters raised herein.

Furthermore and in the clear interest of fairness and respect of the Clergy principle, our client requests that OPA 804, if it is ever adopted, should be modified to expressly not apply to planning applications for which a PAC meeting was held prior to the Minister's approval of OPA 804.

Our client thanks you for your kind consideration of this matter.

Yours very truly,

A handwritten signature in cursive script, reading "Ira Kagan".

Ira T. Kagan
cc. Client