

May 20, 2025

BY EMAIL TO: councilmeeting@toronto.ca and clerk@toronto.ca

City Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

ATTENTION: Sylwia Przewdziecki, Manager, Council Secretariat

Dear Mayor and Members of Council

**Re: PH21.1 – Decision Report – Official Plan Amendments to Align with Provincial
Legislative and Policy Changes Related to Employment Areas
- Proposed Official Plan Amendment 804**

(i) Introduction

Aird & Berlis LLP acts on behalf of the landowners of the properties listed in Schedule “A” (collectively known as “**King Financial Holdings Limited**”), located in the City of Toronto.

The properties in Schedule “A” are currently designated *General Employment Areas* and *Core Employment Areas* in the City of Toronto Official Plan. 170 Tycos Drive & 883 & 885 Caledonia Road is designated as *General Employment Areas* (abutting properties designated *Neighbourhoods*) and 30 Tycos Drive and both 3700 Weston Road and 84 Kenhar Drive are designated as *Core Employment Areas*.

The purpose of this correspondence is to provide King Financial Holdings Limited’s comments on the City Planning Staff Report entitled “Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas - Decision Report”, dated April 23, 2025 (the “**Final Report**”) and Planning and Housing Committee’s consideration of same. In the Final Report, City Planning staff have recommended approval of the City-initiated proposed Official Plan Amendment (“OPA”) 804, which would amend the Official Plan to remove office, retail and other commercial use permissions from *General Employment Areas* and *Core Employment Areas*. The Final Report and the proposed OPA 804 were considered by Planning and Housing Committee on May 8, 2025 as Item PH21 and will be considered by City Council at its upcoming meeting.

(ii) Previous Official Plan Amendments 668 and 680

Previously, our office provided comments to Planning and Housing Committee with respect to Official Plan Amendments (“**OPAs**”) 668 and 680 on September 5, 2024 and October 8, 2024. OPAs 668 and 680 were purported to bring the Official Plan into alignment with the provincial definition of “area of employment” in the *Planning Act*, as amended by the *Helping Homebuyers, Protecting Tenants Act* (“Bill 97”). OPAs 668 and 680 were adopted by City Council and enacted by by-law on October 10, 2024. On October 18, 2024, Ontario Regulation 396/24 was filed,

requiring approval of proposed OPAs 668 and 680 from the Minister of Municipal Affairs and Housing.

While proposed OPA 804 seeks to repeal OPAs 668 and 680 upon coming into force, it intends to bring forward policies consistent with OPAs 668 and 680, as well as the identification of certain lands for removal from *Employment Areas*. King Financial Holdings Limited supports the proposed repeal of OPA 668 and OPA 680.

However, and for the same reasons provided in our previous correspondence, King Financial Holdings Limited remains concerned with City's approach to *Employment Areas*, as further outlined below. King Financial Holdings Limited believes a more thorough assessment of the appropriateness of *General Employment Areas* and *Core Employment Areas* designations for lands with a wide range of non-residential permissions is needed, such as the lands noted in Schedule "A". Furthermore, the definition of "lawfully established" must be clarified so as not to unduly burden landowners.

(iii) Concerns with Proposed Official Plan Amendment 804

Proposed OPA 804 has not addressed King Financial Holdings Limited's previous concerns as it relates to the permissions of lands such as those listed in Schedule "A" and the interaction of OPA 668 and 680, and now OPA 804.

The purpose of this correspondence is to: (1) reiterate those concerns as outlined in our correspondence related to OPAs 668 and 680 and (2) request that Council direct Staff to conduct in-depth assessments of properties with existing non-residential uses that are no longer aligned with new policy direction and definitions in the Provincial Planning Statement 2024 ("PPS 2024") and *Planning Act*, including those properties in Schedule "A".

King Financial Holdings Limited acknowledges it is the intention of Proposed OPA 804 to provide a level of land use certainty to landowners and employers; however, staff's recommendations do not implement the clear intention of the new *Planning Act* definition of "areas of employment" introduced by Bill 97. By expressly excluding institutional and commercial uses, including office uses, from the new statutory definition of "areas of employment", the clear intention of the Province is that lands with such uses are not intended to be within the *General Employment Areas* and *Core Employment Areas* designations.

Given this clear Provincial direction, in our view, City staff should assess the appropriateness of the *General Employment Areas* and *Core Employment Areas* designations on lands which are currently planned and have existing permissions for a wide range of non-residential uses, institutional and commercial uses, to determine if those sites should appropriately be redesignated to something other than an "areas of employment". For example, the properties at 170 Tycos Drive & 883 & 885 Caledonia Road may be more appropriately designated *Mixed Use Areas* or *Regeneration Areas* given both their current uses and the planned context including proximity to *Neighbourhoods*.

In light of the discussion that took place on this item at Planning and Housing Committee, we wish to note that this redesignation would not represent a "hollowing out" of an active *Employment Area* and would instead ensure land use compatibility with adjacent properties.

Additionally, it is our submission that the Proposed OPA 804 does not provide sufficient clarity regarding the interpretation of “lawfully established” uses, and the permitted status of uses that may cease operations periodically. Proposed OPA 804 also does not provide any further guidance regarding the concept of “lawfully established” uses within the context of Official Plan policy and designations. This results in uncertainty regarding the intended application of the proposed policies. As result, an unfair burden will be placed on landowners to demonstrate “lawfully established” compliance and/or legal non-conforming status. Additionally, legal non-conforming status carries a significant burden to owners in terms of limitations on future replacement and financial requirements (i.e. mortgaging). While City Council adopted a recommendation to request that the Chief Planner and Executive Director, City Planning, following OPA 668 and OPA 680 coming into effect, provide as-of-right permissions for “lawfully established” uses that continue to be permitted in the Official Plan, in the appropriate zoning categories through the zoning conformity exercise as required by the *Planning Act*, there remains a lack of certainty on the interpretation of such “lawfully established uses” and the timeline for the implementation of the zoning conformity exercise.

(iv) Conclusion

For the reasons above, it is our respectful submission that Proposed OPA 804 does not have regard for the clear statutory intention of Bill 97 and *Planning Act* definition of “areas of employment”. Proposed OPA 804 will result in greater restrictions on uses within currently designated *General Employment Areas* and *Core Employment Areas*, rather than properly determining whether existing institutional and commercial uses, including office uses, should be removed from those employment designations as intended by the legislation and policy framework.

Notwithstanding the attempt in Proposed OPA 804 to recognize “lawfully established” uses, the proposed policies as drafted fail to appropriately accommodate existing permissions.

We request that Council direct Staff to provide clarification through a report on the definition and application of “lawfully established”, and to examine *Employment Areas* throughout the City (such as those noted in Schedule “A”) for redesignation, as they have done with certain areas through OPA 804.

Should you have any questions about the above, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P.K. Costello
EPKC/NM

SCHEDULE "A"

Name of Landowner	Address of Property
170 Tycos Drive & 883 & 885 Caledonia Road	170 Tycos Drive Inc.
30 Tycos Drive	Reona Investments Inc.
3700 Weston Road & 84 Kenhar Drive	Relco Inc.

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