



Bennett Jones

Bennett Jones LLP

3400 One First Canadian Place, PO Box 130

Toronto, Ontario, Canada M5X 1A4

Tel: 416.863.1200 Fax: 416.863.1716

Andrew L. Jeanrie

Partner

Direct Line: 416.777.4814

e-mail: jeanriea@bennettjones.com

Our File No.: 85128.2

May 20, 2025

Via E-Mail – councilmeeting@toronto.ca

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

Attention: Sylwia Przewdziecki

Dear Mayor Chow and Members of Council:

**Re: Proposed Official Plan Amendment 804 ("OPA 804")
Item – 2025.PH21.1
Nos.: 205 and 215 Consumers Road, North York**

On behalf of our clients, 205 Consumers Road Limited and 215 Consumers Road Limited, operating as the Bleeman Group, the owners of 205 Consumers Road and 215 Consumers Road, respectively. We are writing to express their concerns/requests regarding the City of Toronto's proposed Official Plan Amendment ("**OPA 804**"), as it affects their collective land holdings (being the combined "**Subject Lands**").

We have reviewed OPA 804 and monitored the May 8, 2025, Planning and Housing Committee (the "**P+H Committee**") meeting. Our client supports the fact that City Planning staff identified office parks as appropriate for redesignation from "**General Employment**", as they do not meet the Provincial definitions of *areas of employment*. However, our client does not support the limitations and conditions that have been added to the "restricted use permissions" that have been granted through the redesignation to "**Regeneration Area**" in the Consumers Office Park. This is a wasted opportunity by not providing the full list of residential and non-residential purposes.

OPA 804, as proposed, is contrary to the legislative intent of Bill 97 and the Provincial Planning Statement. The clear intent of this legislation is to facilitate the expeditious development of healthy, complete communities (such as those within the City's downtown and the King-Spadina "Regeneration Area") where housing, office, institutional, retail and other non-manufacturing and industrial uses co-exist. In doing so, both alleviate the housing crisis and create vibrant new neighbourhoods, while protecting *areas of employment*, where manufacturing and industrial uses will remain focused.

Our client's request is simple, redesignate the Subject Lands with the full list of "Regeneration Area" uses and requirements respecting matters such as affordable housing and rezoning requirements similar to the King-Spadina "Regeneration Area". We provide the justification below.

King-Spadina Regeneration Area: A Successful Model that Should be Followed

The most successful "Regeneration Area" in the City of Toronto is the King-Spadina "Regeneration Area". This area shares similarities with the Consumers Office Park in that it was once a thriving employment hub dominated by surface parking lots that had seen little investment and declining employment over many years. When the City finally "released" the King-Spadina area and converted it to a "Regeneration Area", the district took off. By 2020, the area had seen a significant increase in both residents and jobs, a trend that continues to this day.

The secret to the success of the King-Spadina area was the flexibility it provided. Rather than freezing the area to the permitted uses at the time of redesignation, the City allowed a wide range of uses that could respond to evolving market conditions. This flexibility unleashed the area's potential. With the right policies in place, the Consumers Office Park could experience a similar revival.

So far, this sort of visionary leap is not reflected in OPA 804. Requiring City-led further studies prior to providing residential permissions will delay any new housing by at least three years based on City Planning's past track record with such studies.

We respectfully request that City Council take this opportunity to grant the Subject Lands the full range of residential and non-residential permissions, as envisioned in the King-Spadina "Regeneration Area". A comprehensive list of permitted uses is essential to unlocking the Subject Lands' potential and contributing meaningfully to the creation of a complete community.

Context of Subject Lands

The Subject Lands are comprised of two very similar, abutting properties that our client owns within the Consumers Office Park. Both contain older, tower-style offices and above-grade parking structure. Both are surrounded by surface parking lots and abut properties that are not being used for manufacturing or warehousing, despite being presently designated "General Employment" in the City's Official Plan.

The surrounding neighbourhood to the Subject Lands is characterized by auto dealerships, institutional uses, offices, hotels, and surface and above-grade parking. The Subject Lands are best served by conversion, and doing so would be consistent with Provincial Policy.

The area is prime for redevelopment into a modern, complete community in the line of the "City's Kings", which will eventually house more jobs than are currently in the area, while also providing community uses and housing. This fact is reinforced by the fact that five other conversion requests have been submitted in the proposed "Regeneration Area". It is clear that other property owners recognize it is time to reinvigorate this part of the City. Lastly, we note that this "Regeneration Area" request by our client was discussed with Ministry of Municipal Affairs staff in autumn 2024 when a meeting regarding OPAs 653, 668 and 680 were discussed.

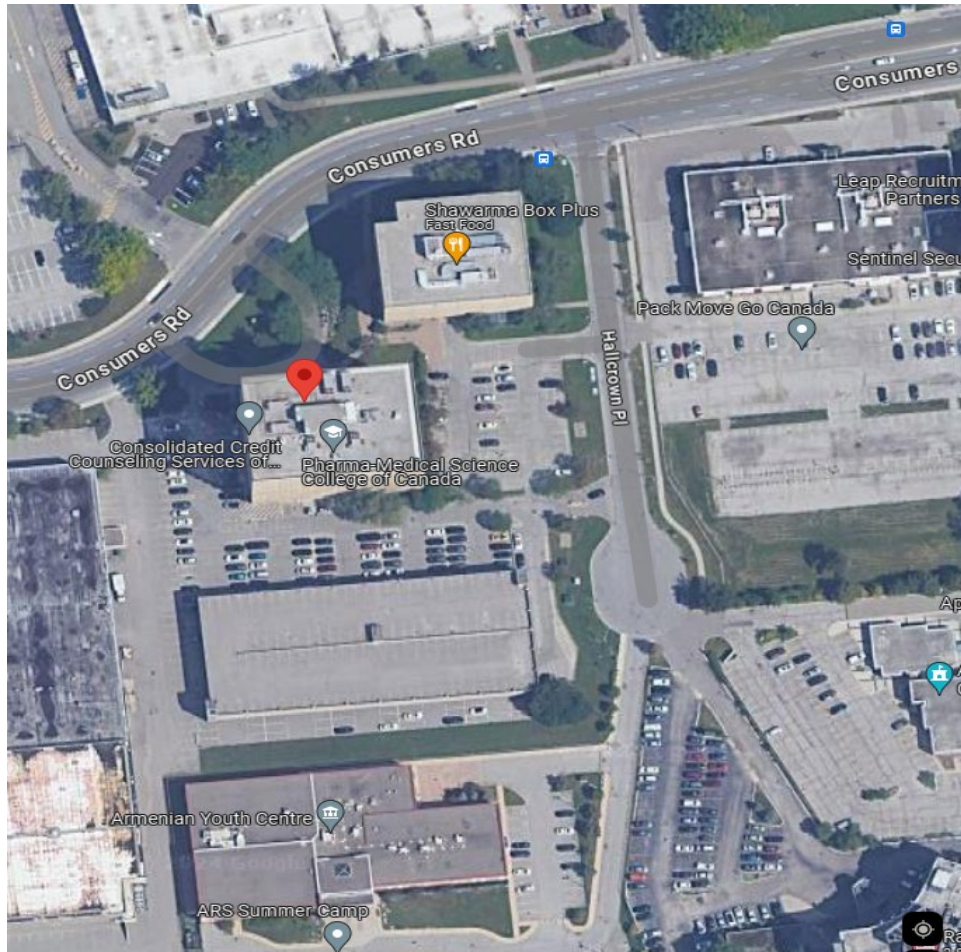


Figure 1. Subject Property with two office towers and surface above grade parking

Concerns with OPA 804

City staff have recognized that the Subject Lands (and those adjacent) do not meet the definition of an Area of Employment per Bill 97, nor an Employment Area per the Provincial Planning Statement 2024 (“PPS 2024”).

Our client's concerns relate to two main issues with the proposed “Regeneration Area” redesignation.

The first is the failure to provide as-of-right residential permissions.

The second is the fact that the proposed “Regeneration Area” policies impose a whole series of conditions on both non-residential uses and residential uses, such that their viability will certainly be restricted.

At a more specific level, we have concerns with the following Policy 10.4 ConsumersNext Regeneration Areas items:

1. It is our client's position that another City Planning led study is not necessary. The appropriate, required studies can be undertaken through a Zoning By-law Amendment process. This is especially the case given the extensive work undertaken previously through the Secondary Plan which established a number of key public realm strategies and direction which will continue to apply to the new neighbourhood. The existing residential and institutional land uses in proximity to the Subject Lands, as well as the number of site-specific applications and requests with their own supporting consultant studies make the need for another larger, City led planning study unnecessary.
2. Our client objects to the extensive list of conditions and study requirements set out in Policy 10.4 of OPA 804. Specifically:
 - (a) It is both burdensome and ambiguous how the non-residential requirement set out in 10.4(c) will be implemented. It is unclear whether the 15% /1.0 FSI requirement can be achieved given the limited uses that are contained in the 51% minimum requirement. Policy 10.4 c) should be deleted as the individual developers will be able to best determine what non-residential uses are appropriate and required. A restrictive policy such as this will prevent individual sites from rapidly responding to market conditions and delivering much needed space (residential, office, hotel, retail, etc.). Instead, if residential space is needed, that residential space will be burdened by non-residential requirements that may not be in demand at the same time. This would only add to the cost of housing and slow down its introduction. As noted earlier, a model more in line with the King-Spadina neighbourhood would allow for rapid implementation and will, in the long term, result in more jobs and more housing than attempts to dictate an exact mix from above.
 - (b) Policy 10.4(d) and (e) sets out requirements for a future City led study for the redesignated Office Park lands. This list does not take into consideration the extensive work completed for the existing Secondary Plan, and private initiated, publicly available studies. We believe this is not necessary and that any additional studies that are necessary/applicable, can be addressed through Zoning By-law Amendment applications. This request is very much in keeping with the direction of the Province through *Protect Ontario by Building Faster and Smarter Act, 2025*, for municipalities to accept and rely upon studies from certified professionals.
 - (c) Policy 10.4(f) and (g) fail to recognize the direction provided in the Province's recently modified approval of Toronto employment conversion OPAs 644 and 653 in terms of affordable housing requirements. In OPAs 644 and 653, the Province modified them to read "encouraged" rather than an inflexible requirement. Policy 10.4(f) needs to be modified accordingly. We believe that the "encouraged" language also recognizes the legality of enforcing such requirements through an official plan where inclusionary zoning does not apply. Furthermore, the City's proposed language goes beyond that which can be achieved within an inclusionary zoning by-law (which is limited to 5% of units and a 25-year affordable term). Finally, it is important to note that the City's

May 20, 2025

Page 5

own Inclusionary Zoning by-law regime (both Official Plan and Zoning By-law) evaluated and then did not recommend that residential development in or around this area be subject to any inclusionary zoning (“**IZ**”) requirements because doing so would not be economically supportable. An attempt now to impose new requirements (higher than any IZ by-law can impose) without even doing a study similar to that completed for the IZ by-laws, is not good planning and unjustifiable.

We would be pleased to meet with City staff or local Councilor in order to move our client’s proposal forward. Should you have any questions, please reach out to the undersigned.

Yours truly,

BENNETT JONES LLP

A handwritten signature in cursive script, reading "Andrew Jeanrie".

Andrew L. Jeanrie

ALJ:rb