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May 20, 2025

File No.: 1554391002

Councilmeeting@toronto.ca

By Email

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

Attention: Sylwia Przewdziecki, Manager

Dear Sirs/Mesdames:

**Re: PH21.1 – Official Plan Amendments to Align with Provincial Legislative and Policy
Changes Related to Employment Areas – Decision Report
Co-Owner: 2004085 Ontario Inc.
Location: 1891 Eglinton Avenue East**

We are solicitors for 2004085 Ontario Inc., a co-owner of the property known municipally as 1891 Eglinton Avenue East, in the City of Toronto (the "Site").

We have reviewed the PH21.1 Official Plan Amendments to align with Provincial Legislative and Policy Changes Related to Employment Areas – Decision Report including Attachment 1: Official Plan Amendment ("OPA") 804 and Attachment 2: Map of proposed Employment Areas Redesignations.

We are writing on behalf of our client to express significant concerns with OPA 804. The Planning Act, the PPS and OPA 804 may have the effect of sterilizing the use of the Site because appropriate transition/buffer land uses are no longer permitted in Employment Areas and this Site is adjacent to high density Mixed Use designated and zoned lands. As a result, we are requesting modifications to OPA 804, either: i) to clarify the meaning of "lawfully established" to allow all of the uses permitted by the currently applicable zoning by-law; or ii) to convert the Site from an Employment Areas designation to allow for self-storage, retail and restaurant uses (greater detail about these requests is below).

Background to OPA 804

Bill 97, *the Helping Homebuyers, Protecting Tenants Act, 2023*, received Royal Assent on June 13, 2023. Bill 97 specifically narrowed the definition of "area of employment" to traditional manufacturing, warehousing and related uses. At the same time, Bill 97 confirmed that office, retail and institutional uses are not business and economic uses, unless directly associated with manufacturing, warehousing or related uses. This new definition is directly linked to the definition of "employment area" in the Provincial Planning Statement, 2024 (the "PPS"), which similarly limits the scope of areas of employment. The intent

of Bill 97 and the PPS is clear: employment areas are to be limited to traditional manufacturing, warehousing or related uses. At the same time, mixed use development, with offices, retail and commercial supportive uses is to be encouraged outside of employment areas.

Context

Abutting lands to the north of the Site are situated within Official Plan Amendment 499, known as the Golden Mile Secondary Plan, are approximately 2.96 hectares in size and are designated Mixed Use Areas in the Toronto Official Plan. Development of these lands is to be comprised of a high-density mixed-use and transit oriented development. The first building phase is to consist of four buildings, comprised of three mixed-use towers with heights of 48 storeys, 44 storeys, 44 storeys and one mid-rise building with a height of 12 storeys with a total gross floor area of approximately 106,850 square metres and a total of approximately 1,700 residential units. Further building phases are proposed.

Abutting lands to the south of the Site are owned by IPEX Inc., which designs and manufactures PVC and CPVC piping systems, has extensive outdoor storage and a truck depot distribution use. This is a heavy industrial use.

The Site is approximately 2.1 hectares in area and is designated General Employment by the City of Toronto Official Plan. The Site is paved and is currently used for (Toyota) new vehicle storage on an interim basis. Only employment uses which are to be compatible with the adjacent residential uses to the north would be permitted on the Site.

The Problem

Prior to the changes to the Planning Act and PPS definitions of an “area of employment”; warehousing, self-storage warehousing, retail and restaurant uses would have been permitted on the Site within the Employment Areas designation. Now according to OPA 804, the only possible compatible employment use that could be accommodated on the Site is warehousing and the loading and distribution operations associated with warehousing are likely to cause an adverse affect on the Mixed Use development to the north.

In other words, the Planning Act, the PPS and OPA 804 may have the effect of sterilizing the use of the Site because transition/buffer land uses are no longer permitted.

The Solution(s)

Policies 4.6.9 and 4.6.10 of OPA 804 could be modified to provide greater certainty regarding the definition of “lawfully established”. Additional language could clarify that lawfully established uses are any use permitted by the applicable zoning by-law on a parcel of land on or before October 20, 2024.

Alternatively, our client is seeking to modify OPA 804, to convert the Site from an Employment Areas designation. Our client is seeking a wider range of non-residential uses to be permitted on the Site, in particular, to permit self-storage warehousing, retail and restaurant uses. For greater certainty, we are not seeking residential uses at this time.

Conclusion

Thank you for your consideration of these concerns. If you have any questions or require additional information, please contact me to discuss.

Please include us on the list of interested persons with respect to OPA 804 and provide us with notice of Council's decision on OPA 804.

Yours truly,

Stikeman Elliott LLP

A handwritten signature in dark ink, appearing to read 'Calvin Lantz', with a stylized flourish at the end.

Calvin Lantz
Partner

CL/na

Cc: P. Betel, 2004085 Ontario Inc.