

Novmeber 7, 2025

Our File No.: 241431

**Via Email: clerk@toronto.ca**

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

**Attention: John Elvidge, City Clerk**

Dear Members of Council:

**Re: PH25.2 – Provincial Planning Statement 2024 Consistency Exercise Phase 1 –  
Recommendation Report**

We are writing on behalf of the Building Industry and Land Development Association (“**BILD**”). With over 1,000 member companies, BILD is the voice of the land development, home building and professional renovations industry in the Greater Toronto Area.

BILD wishes to express concerns regarding Official Plan Amendment No. (“**OPA 864**”), particularly as it relates to proposed modifications to the City’s Official Plan policies for Employment Areas. It is premature to adopt OPA 864 unless and until a decision is made by the Minister of Municipal Affairs and Housing regarding Official Plan Amendment No. 804 (“**OPA 804**”).

#### Overview

Bill 97 and the Provincial Planning Statement, 2024 (the “**New PPS**”) narrowed the definition of “area of employment” to traditional manufacturing, warehousing, R&D and related uses. Areas where institutional and commercial uses are permitted by the Official Plan are no longer an “area of employment”. The intent of Bill 97 and the New PPS is clear. Employment areas where residential uses are prohibited are limited only to areas with existing permissions for traditional manufacturing, warehousing, R&D and related uses. Residential development is to be encouraged outside of these areas to support residential housing supply and the creation of complete communities.

In July 2024, the City adopted OPA 680 and 668 in response to Bill 97 and the New PPS. However, those amendments conflicted with the legislative intent of Bill 97 and the New PPS by removing institutional and commercial permissions from all employment areas without examining whether it is appropriate to do so on a case-by-case basis. Effectively, and contrary to Bill 97 and the New PPS, OPA 680 and 668 would have prevented further consideration of residential development opportunities throughout all of the City’s existing Employment Areas on Map 2 (Urban Structure).

Due to these concerns, the Province issued Ontario Regulation 396/04, removing the City's exemption as approval authority for OPAs 680 and 668. At its meeting on May 21-22, 2025, City Council repealed OPA 668 and OPA 680 upon OPA 804 coming into full force and effect.

OPA 804 allegedly responded to concerns raised in respect of OPA 680 and 668. However, OPA 804 largely maintains the same approach proposed through OPAs 680 and 668 and would remove institutional and commercial land use permissions from all of the City's employment areas, with the exception of four areas that are proposed to be redesignated to Regeneration or Institutional Areas.

OPA 804 remains with the Minister of Municipal Affairs for consideration. Although City Council indicated its intention to repeal OPAs 680 and 668, these also remain with the Minister of Municipal Affairs and Housing for consideration.

#### Concerns with OPA 864

Among other modifications, OPA 864 proposes further modifications to the City's Employment Area policies. Given that OPAs 804, 680, and 668 are still under Ministerial consideration, it is premature for Council to make additional policy changes to the City's Official Plan policies regarding Employment Area policies. Proceeding at this stage risks further inconsistency with provincial policy direction and may unnecessarily constrain opportunities for new housing and mixed-use development.

#### BILD's Request

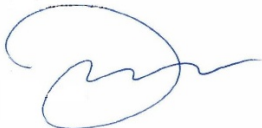
BILD respectfully requests that City Council defer consideration of the Employment Area policy modifications in OPA 864 until the Minister has rendered decisions on OPAs 804, 680, and 668.

We ask to be included on the City notice list related to this matter.

For Council's reference, we have attached our previous correspondence regarding OPAs 864, 804, 680, and 668.

Yours truly,

**Goodmans LLP**



Joe Hoffman

JH/

Encl.

July 10, 2024

Our File No.: 241431

**Via Email: phc@toronto.ca**

City of Toronto  
Planning and Housing Committee  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Chair Perks and Members of the Planning and Housing Committee**

Dear Ms. Martins:

**Re: PH14.1 - Employment Area Land Use Permissions - Decision Report - Approval**

We are writing on behalf of the Building Industry and Land Development Association (“**BILD**”). With over 1,200 member companies, BILD is the voice of the land development, home building and professional renovations industry in the Greater Toronto Area. As the voice of this industry, BILD is writing to the Planning and Housing Committee to express concerns with OPA 668 and OPA 680, which propose to amend the City’s Official Plan in response to *Bill 97 (the Helping Homebuyers, Protecting Tenants Act, 2023)* (“**Bill 97**”) and the new Provincial Planning Statement (2024) (the “**New PPS**”) that change the definition of an “area of employment”.

Bill 97 and the New PPS narrow the definition of “area of employment” to traditional manufacturing, warehousing, R&D and related uses. Bill 97 and the New PPS expressly provide that areas where institutional and commercial uses (including retail and office uses not associated with primary industrial uses) are permitted those areas are no longer to be considered an “area of employment”. The intent of Bill 97 and the New PPS is clear. Employment areas where residential uses are prohibited are limited to areas with traditional manufacturing, warehousing, R&D and related uses. Residential development is to be encouraged outside of these areas to support residential housing needs and the creation of complete communities.

The proposed policy direction for OPA 680 is contrary to the legislative intent of Bill 97 and the New PPS. Rather than consider what lands within the City should meet the new definition of an “area of employment”, OPA 680 would remove institutional and commercial land use permissions from all of the City’s employment areas without examining whether it is appropriate to do so on a site-by-site or area-by-area basis. Effectively, OPA 680 would preclude the construction of much-needed housing in areas that can accommodate housing as intended by Bill 97 and the New PPS.

In addition, OPA 680 would negatively impact the existing planning function of many areas of employment. For example, to ensure all areas of employment within the City of Toronto remain areas of employment, OPA 680, if approved, would remove office uses for existing office parks that may prevent new office buildings in the future from being constructed.

While we understand that it is the City's view that subsections 1(1.1) and (1.2) of the *Planning Act* and OPA 668 would allow institutional and commercial permissions to continue in areas of employment despite OPA 680's removal of those permissions, we believe this interpretation is incorrect. It is our view that these 'transition' provisions are intended to permit the continuation of an existing commercial and/or institutional use currently situated within an area of employment where permissions for commercial and/or institutional uses are removed. These transition provisions do not allow for commercial and/or institutional uses to be permitted generally for an area where those same permissions have been removed through OPA 680, as suggested by the City.

On behalf of BILD, we request that Planning and Housing Committee refer this report back to City staff to review all existing lands designated as areas of employment on a case-by-case basis to determine which of these areas should meet the new definition of area of employment and what are the appropriate land use permissions for these areas.

We would appreciate being included on the City notice list related to this matter.

Yours truly,

**Goodmans LLP**



Joe Hoffman  
JH/rr

August 8, 2025

Our File No.: 241431

**Delivered Via Online Submission**

Municipal Services Office – Central Ontario  
777 Bay Street, 16th floor  
Toronto, ON  
M7A 2J3

**Attention: Catherine MacKinnon**

Dear Sirs/Mesdames:

**Re: ERO No. 025-0702**  
**City of Toronto Official Plan Amendment No. 804**  
**Written Submission on Behalf of the Building Industry and Land Development Association**

We are writing on behalf of the Building Industry and Land Development Association (“**BILD**”). With over 1,000 member companies, BILD is the voice of the land development, home building and professional renovations industry in the Greater Toronto Area. As the voice of this industry, BILD is writing to provide its comments with respect to Official Plan Amendment No. 804 (“**OPA 804**”), currently before the Ministry of Municipal Affairs and Housing (the “**Ministry**”) for approval.

Although OPA 804 was adopted in response to the Province’s 2023 amendments to the Planning Act made through Bill 97, the policy direction in OPA 804 is directly contrary to Bill 97’s legislative intent. The intent of Bill 97 is to more narrowly scope areas of employment and encourage mixed use development outside of those areas to build much needed housing during a housing crisis. Instead of implementing that intent, OPA 804 circumvents it. By removing existing office and retail permissions from all of the City’s employment areas, with the exception of four areas, OPA 804 represents an attempt by the City to largely maintain the status quo in the face of clear direction from the Province to change its approach to employment areas. The Ministry should not allow the City’s attempt to circumvent Provincial direction in this regard to proceed.

**Overview**

Bill 97 (the Helping Homebuyers, Protecting Tenants Act, 2023) received Royal Assent on June 8, 2023. Bill 97 and the Provincial Planning Statement 2024 (the “**New PPS**”) narrow the definition of “area of employment” to traditional manufacturing, warehousing, R&D and related

uses. Areas where institutional and commercial uses are permitted by the Official Plan are no longer an “area of employment”.

The intent of Bill 97 and the New PPS is clear. Employment areas where residential uses are prohibited are limited to areas with traditional manufacturing, warehousing, R&D and related uses. Residential development is to be encouraged outside of these areas to support residential housing needs and the creation of complete communities.

The City previously attempted to implement Bill 97 and the New PPS through Official Plan Amendment Nos. 668 and 680. The Province, BILD, and many landowners had significant concerns with the City’s approach, which led to Ontario Regulation 396/04 and the removal of City as approval authority for these official plan amendments. OPA 804 does not address any of the problems inherent in OPA Nos. 668 and 680.

### **OPA 804 is Contrary to the Legislative Intent of Bill 97 and the New PPS**

The proposed policy direction for OPA 804 is contrary to the legislative intent of Bill 97 and the New PPS and would preclude the construction of much-needed housing in areas that can accommodate housing.

OPA 804 would remove institutional and commercial permissions from all of the City’s Employment areas, with the exception of four areas that are proposed to be redesignated to Regeneration or Institutional Areas. The City’s removal of institutional and commercial permissions from General Employment Areas appears to be intended to maintain the status quo as much as possible with respect to its employment lands, despite clear direction from the Province that changes are required to address Bill 97 and the New PPS.

In identifying the four areas to redesignate, the City looked at “office parks... that do not act as a buffer to more sensitive uses.” Not only are there other lands in the City of Toronto that meet this criteria that are proposed to remain Employment, but the City’s analysis fails to truly consider which lands within the City meet the new definition of “area of employment”, including areas that include significant retail. Rather than consider what office parks in Toronto should be redesignated, the City should take a more robust approach. The City should review its Employment lands to identify areas with traditional manufacturing, warehousing and R&D uses, for these lands to continue to be classified as an area of employment. Outside of these areas, residential uses should be permitted to address the City’s housing crisis. This approach would be in keeping with the intent and purpose of Bill 97 and the New PPS. It would ensure traditional employment areas continue to be areas of employment while appropriately creating new opportunity for residential development.

### **Lands Proposed to be Redesignated to Regeneration Areas**

While it is BILD’s view that the City should review all of its Employment lands to identify areas with traditional manufacturing, warehousing and R&D uses, BILD also has concerns with certain

aspects of Site and Area Specific Policies (“**SASP**”) proposed through OPA 804 where General Employment Areas are proposed to be redesignated to Regeneration Areas.

First, the SASPs in OPA 804 require a minimum of 15% of the total GFA on the lands (or 1.0 times the area, whichever is greater) to be provided as non-residential GFA. While a mix of uses may be appropriate, the SASPs should not predetermine a minimum requirement without first conducting an appropriate study to determine the extent of demand for such space in the area. Such a study – described as a Commercial Demand Analysis – is provided for in the SASPs. The amount of non-residential GFA required in the area should be an output of that study, not predetermined in the absence of analysis.

Second, the SASPs require the preparation of a Housing Plan, which will require the provision of 5% to 7% of new ownership residential GFA as affordable housing, or other mechanisms for requiring affordable housing. This policy is problematic in a number of respects and should be removed, including for the following reasons:

- The Planning Act does not provide any statutory authority for a municipality to adopt policies requiring affordable housing for lands outside of PMTSAs. As the Ministry knows, the Planning Act includes inclusionary zoning provisions that permit municipalities to require affordable housing. However, in 2019, the Province limited the application of inclusionary zoning to PMTSAs, through Bill 139. OPA 804’s introduction of policies purporting to require affordable housing on the Site – which is not within a PMTSA – directly undermines Bill 139, and would render the entire inclusionary zoning regime useless. In a 2023 decision known as *Calloway REIT (Mississauga) Inc. v. Mississauga (City)*, the Ontario Land Tribunal confirmed that similar policies adopted by the City of Mississauga were illegal.
- The affordable housing policies are not only illegal, they also have real, on-the-ground consequences. In an already extremely challenged market, the affordable housing policies effectively preclude any opportunity to viably deliver new homes, undermining the Province’s priority of facilitating substantial amounts new housing.
- The Province has clearly indicated through its decisions on other conversion OPAs (such as OPA 644, 653 and 692) that it is not appropriate to impose affordable housing requirements as a condition of redesignating lands. Through those decisions, the Province revised many policies to encourage, rather than require, affordable housing. Consistent with that approach, the requirement to provide affordable housing must be removed.

Lastly, BILD also understands many landowners within areas proposed to be redesignated Regeneration Areas have concern with the requirement to complete a local area study and the adoption of a new secondary plan or updated secondary plan policies prior to residential, hotel or live-work uses being permitted. In the context of the current housing crisis, BILD supports the



concerns raised by those landowners that additional study and secondary plan policies would unnecessarily delay the delivery of housing on lands appropriate for intensification.

### **Lawfully Established Uses**

OPA 804 would negatively impact the existing planning function of many areas of employment. For example, to ensure all areas of employment within the City of Toronto remain areas of employment, OPA 804, if approved, would remove office uses for existing office parks that may prevent new office buildings in the future from being constructed. Similarly, retail permissions in areas that primarily contain existing retail uses would not be permitted, which is not good planning.

While we understand that it is the City's view that subsections 1(1.1) and (1.2) of the *Planning Act* and OPA 804 would allow institutional and commercial permissions to continue in areas of employment despite OPA 804's removal of those permissions, we believe this interpretation is incorrect. It is our view that these 'transition' provisions are intended to permit the continuation of an existing commercial and/or institutional use currently situated within an area of employment where permissions for commercial and/or institutional uses are removed. These transition provisions do not allow for commercial and/or institutional uses to be permitted generally for an area where those same permissions have been removed through OPA 804, as suggested by the City.

### **BILD's Request**

OPA 804 carries forward many of the same concerns and issues found in OPAs 668 and 680. There is no justification for the City's artificially limited approach to implementing Provincial direction. The City should have reviewed all of its designated employment lands and identified those that do not consist solely of manufacturing, warehousing, research and development, and associated uses. Lands that do not meet these criteria and include office and commercial uses are no longer areas of employment and should be redesignated accordingly. Doing so would allow for consistency with Provincial policy direction and advance the Province's and the City's efforts to address the urgent housing crisis. In its current form, OPA 804 neither implements the new Planning Act definition of an area of employment nor is consistent with the New PPS.

In these circumstances, BILD respectfully request that at a minimum, OPA 804 should be modified to maintain office and retail as permitted uses on lands that are currently designated General Employment Areas. This would ensure that lands currently designated General Employment continue to have office and retail permissions, ensuring that current commercial uses are not jeopardized, while at the same time unlocking these lands to support residential housing needs and the creation of complete communities.

To avoid confusion and make clear that lands currently designated General Employment Areas do not constitute "areas of employment" under the Planning Act or an "employment area" under the New PPS, it would be appropriate to rename the General Employment Areas designation to



Commercial Areas or something similar. For lands proposed to be redesignated to Regeneration Areas, policies related to non-residential GFA and affordable housing requirements should be removed, as noted above.

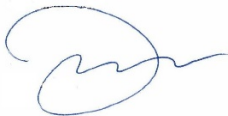
Alternatively, if the Minister is inclined to refuse to approve OPA 804, we recommend that the following direction be provided to the City in considering a new official plan amendment to implement Bill 97 and the New PPS:

- The City should review all of its designated employment lands. Those that do not consist solely of manufacturing, warehousing, research and development and associated uses must be redesignated.
- The lands to be redesignated because they no longer meet the definition of “areas of employment” under the Planning Act should be assigned different designations based on the context of each area and should not be subject to unnecessary further studies that would only delay the provision of housing.
- As part of redesignating lands, there should be no minimum non-residential GFA requirement. The amount of required non-residential GFA should be an output of a Commercial Demand Analysis and not predetermined in the absence of analysis.
- As part of redesignating lands, there should be no mandatory affordable housing requirement, for the reasons noted above.

This approach would represent a more faithful implementation of Bill 97 and the New PPS, and substantially advance overarching provincial policy objectives.

Yours truly,

**Goodmans LLP**



Joe Hoffman  
JH/rr