

May 6, 2025

Our File No.: 200399

Delivered Via E-mail

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

Attention: Nancy Martins (phc@toronto.ca)

Dear Sirs/Mesdames:

Re: Item 2025.PH21.1 – Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas – Decision Report

We are solicitors to 125 The Queensway Inc., who is the registered owner of the lands known municipally in the City of Toronto (the “**City**”) as 125 The Queensway (the “**Property**”).

We are writing on behalf of our client to express significant concerns with the above-noted item and draft Official Plan Amendment No. 804 (“**Draft OPA 804**”). Given these concerns, we respectfully request that Planning and Housing Committee refer Draft OPA 804 back to City staff for further review and consultation with affected property owners.

Overview of the Property

The Property, which has a net site area of approximately 3.45 hectares (8.52 acres), is located on the south side of The Queensway in a location that is extremely well-served by transit, including being within a 10-minute walk (400 metres) of the planned Park Lawn Go Station. Area connectivity will only improve as the City is planning a public road connection in proximity to the Property between Lake Shore Boulevard West and The Queensway. This public road connection is currently in the EA stage.

The Property is currently occupied by a Sobeys grocery store and other commercial/retail uses within five (5) standalone buildings, including but not limited to LCBO, Shoppers Drug Mart, TD Bank, Pizza Pizza, Subway, First Choice Hair Cuts, and Pet Value. The overall existing commercial gross floor area is approximately 9,877 square metres and, importantly, the Property essential functions as a retail destination. While the Property is adjacent to the Ontario Food Terminal, the Property is not identified as part of a Provincially Significant Employment Zone. Clearly, the property does not meet the new definition of “area of employment” in the *Planning*



Act or the definition of “employment area” in the Provincial Policy Statement, 2024 (the “PPS 2024”).

On March 5, 2025, our client submitted an official plan amendment application (the “**Application**”) to the City, including supporting planning, traffic, economic, land use compatibility and urban design rationale reports and plans. The Applications propose the Property being developed as a mixed use centre consisting of a mid-rise building at the northwest corner of the Property and six high-rise mixed-use towers ranging from 42-storeys to 50-storeys heading further east and a new public park of approximately 2,784 square metres. A minimum of 4,533 square metres of commercial uses (retail and office) would be secured to generate an estimated 155 jobs on the Property. The request would result in significant amounts of housing and commercial opportunities in a rejuvenated and revitalized urban format in proximity to the planned Park Law GO Station.

Background to Draft 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 PPS 2024, which similarly limits the scope of areas of employment.

The intent of Bill 97 and the PPS 2024 is clear. Areas subject to employment conversion policies and statutory provisions are limited to areas with traditional manufacturing, warehousing or related uses. At the same time, mixed use development is to be encouraged outside of these areas to support complete communities. Where institutional and/or commercial uses are permitted, those areas are not longer considered an “area of employment”.

The City previously attempted to implement Bill 97 and the PPS 2024 through Official Plan Amendment 668 and Official Plan Amendment 680. Our client – as well as a significant number of landowners – expressed similar concerns prior to City Council adopting those official plan amendments. The Province also 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.

Concerns with Draft OPA 804

The proposed policy direction for Draft OPA 804 remains directly contrary to the legislative intent of Bill 97. The policy direction that the City should be implementing would consider which lands within the City truly meet the new definition of area of employment. While City staff suggested they have now completed some sort of analysis, this review was expressly limited to “office parks”



that do not act as a buffer to more sensitive uses. City staff did not consider other lands that clearly do not meet the new Provincial directions.

Otherwise, the proposed policy direction in Draft OPA 804 remains to remove existing land use permissions from all of the City's employment areas, with the exception of four areas. This would effectively prevent consideration of expanded development opportunities in accordance with Bill 97 to meet provincial and municipal forecasts while negatively impacting the existing planning function of many of those areas. Further, it essentially removes any distinction between lands designated as *Core Employment Areas* and *General Employment Areas*. Draft OPA 804 neither implements the new *Planning Act* definition nor is consistent with the PPS 2024.

The Property and surrounding area clearly do not meet the new definition of "area of employment". This area may not be an "office park", however that is defined by City staff, but it clearly does not meet the definition of "area of employment". As such, not only would the Property be negatively impacted by the removal of existing use permissions but also Draft OPA 804 would prevent appropriate reinvestment in and redevelopment of the Property. As noted above, a mixed-use redevelopment of the Property would contribute to the provision of a complete community in this area through the delivery of new housing and employment opportunities in proximity to planned higher order transit. Draft OPA 804 is clearly at odds with specific Provincial intent to deliver mixed-use redevelopment in appropriate locations such as the Property.

We understand that the City staff view is that Draft OPA 804 would allow institutional and commercial permissions to continue generally in all existing employment areas despite removal of those permissions. However, in our view, this interpretation is incorrect. Further, City staff's proposed interpretation of these policies undermines the intent of Bill 97 by attempting to use Draft OPA 804 to maintain the status quo with respect to its designated employment areas.

We would appreciate being included on the City notice list on behalf of our client for any City Council decision regarding Draft OPA 804.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "D. Bronskill", written over a light blue horizontal line.

David Bronskill
DJB/

cc. Client

Goodmans^{LLP}

1379-5856-9494