

May 6, 2025

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: PH21.1 - Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas - Decision 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. As the voice of this industry, BILD is writing to the Planning and Housing Committee to express concerns with OPA 804, which proposes 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”.

Overview

Bill 97 and 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.

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

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 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, as intended by 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 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.

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.

Lands Proposed to be Redesignated to Regeneration Areas

BILD has concerns with certain aspects of Site and Area Specific Policies (“SASP”) where General Employment Areas are proposed to be redesignated to Regeneration Areas. These concerns include the following:

- The SASPs 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 in the area is 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.

- 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. We question the City's legal authority to require affordable housing outside of its authority under the inclusionary zoning provisions of the Planning Act. In addition, the Province has clearly indicated through its decisions on other conversion OPAs 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. The same approach should be used here.

BILD's Request

Previously, the City passed OPAs 668 and 680. OPA 804 essentially mimics OPAs 668 and 680, with the exception of four areas that are proposed to be redesignated to *Regeneration* or *Institutional Areas*. Shortly after Council's enactment of OPAs 668 and 680, the Minister of Municipal Affairs and Housing filed Ontario Regulation 396/24. This regulation removed Council's delegated approval authority and provides that the Minister is now the approval authority for OPAs 668 and 680.

OPA 804 carries forward many of the same concerns and issues found in OPAs 668 and 680. Before OPA 804 is adopted by City Council and sent to the Minister for approval, we request that Planning and Housing Committee refer this report back to City staff to review the City's Employment lands on a case-by-case basis. This review should determine which Employment lands contain traditional manufacturing, warehousing and R&D uses and City staff should be directed to classify these lands only as areas of employment to meet the new definition of area of employment in Bill 97 and the New PPS.

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

Yours truly,

Goodmans LLP



Joe Hoffman

JH/rr

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