

May 6, 2025

Our File No.: 231439

Delivered Via E-mail (phc@toronto.ca)

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

Attention: Nancy Martins

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 counsel to Dufferin Business Centre Inc., the registered owner of the lands known municipally in the City of Toronto (the “**City**”) as 2700 Dufferin Street (the “**Property**”). We write on behalf of our client to express concerns with the above-noted item and proposed Official Plan Amendment No. 804 (“**OPA 804**”). Given the concerns outlined below, 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 is located on the west side of Dufferin Street north of Castlefield Avenue. At approximately 4.63 hectares in area, the Property is large and has 209 metres of frontage on Dufferin Street. The Property is well-served by frequent transit, including bus routes along Dufferin Street. In addition, the Property is approximately 600 metres from the Fairbank LRT station on Eglinton Avenue West and Dufferin Street.

The Property is currently developed with four single-storey commercial buildings, with retail (such as dry cleaners, bridal shops and salons), office uses (such as real state brokerage, dental and physiotherapy offices), and eating establishment uses (such as Tim Hortons). While the Property is currently designated *General Employment Areas*, the east side of Dufferin Street consists primarily of residential uses and is designated *Mixed Use Areas*. Lands at the northeast, southwest, and southeast corner of Dufferin and Castlefield are also all designated *Mixed Use Areas*.

Given the current uses, the Property clearly 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 December 5, 2024, our client had a pre-application meeting with City staff with respect to a proposed official plan amendment application seeking to redesignate the eastern portion of the Property fronting on Dufferin Street to *Mixed Use Areas*, with the western portion of the property proposed to remain designated *General Employment Areas*. The redesignation of the Property in this manner would facilitate significant amounts of housing in close proximity to transit, as well as the delivery of a new large public park and new public roads, while also continuing to non-residential uses that support a complete community.

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 no longer considered an “area of employment”.

The City previously attempted to implement Bill 97 and the PPS 2024 through Official Plan Amendment Nos. 668 and 680. Our client – as well as a significant number of landowners – expressed 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 in OPA 804 remains directly contrary to the legislative intent of Bill 97. OPA 804 would remove commercial land use permissions from all of the City’s designated employment lands, with the exception of four areas that are proposed to be redesignated to *Regeneration* or *Institutional Areas*. While City staff suggest they have now completed some sort of analysis to support this approach, their 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.



There is no justification for the City's artificially limited approach to implementing Provincial direction. The City should review all of its designated employment lands and identify 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 – including the Property – are no longer areas of employment and should be redesignated accordingly. Doing so would allow for consistency with Provincial policy direction and advance the City's efforts to address its urgent housing crisis. In its current form, OPA 804 neither implements the new *Planning Act* definition nor is consistent with the PPS 2024.

As noted above, the Property clearly does not meet the new definition of "area of employment". The Property may not be an "office park", however that is defined by City staff, but in any event it is not an "area of employment". 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. OPA 804 is clearly at odds with Provincial intent to deliver mixed-use redevelopment in appropriate locations such as the Property.

We understand that City staff's view is that OPA 804 would allow 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 OPA 804 to maintain the status quo with respect to its designated employment areas.

Conclusion

In these circumstances, we ask that OPA 804 be referred back to staff for further review. That review should include an assessment of all designated employment lands, and the redesignation of those properties that include uses that fall outside the narrowed definition of areas of employment, including the Property.

Please include us in any notices with respect to this matter.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "Max Laskin".

Max Laskin

MXL/

cc. Client

1389-4344-7574