

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: Nancy Martins

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 counsel to EHL (21 Don Roadway) Holdings Inc., EHL (30 Booth Ave) Holdings Inc., EHL (385 Eastern Ave) Holdings Inc. and EHL (375 Eastern Ave) Holdings Inc. (collectively, “**our client**”) in respect of the East Harbour Lands, known municipally as 21 Don Valley Parkway, 30 Booth Avenue and 375 & 385 Eastern Avenue (“**East Harbour**” or the “**site**”). We write on behalf of our client to express concerns with proposed Official Plan Amendment No. 804 (“**804**”).

The City, the Province and our client have worked closely over the last 5 years to advance East Harbour as a Transit Oriented Community, with a mix of uses to support the planned East Harbour transit station, including residential, office and retail. In December 2024, the City approved a draft plan of subdivision for East Harbour, and our client entered into a series of agreements with the City and the Province, to facilitate the mixed use vision for the Site.

In our view, any City-wide amendments to the Official Plan’s policies regarding employment areas should recognize this shared vision for East Harbour. While OPA 804 redesignates certain lands designated *General Employment Areas* to permit a mix of uses, it does not propose to redesignate East Harbour. In addition, OPA 804 would have the effect of removing office and retail permissions for the Site at the Official Plan level, when those uses have been central to the planning for the Site as a high-density node supporting public investment in the new transit station since the adoption of the Unilever Secondary Plan in 2018. Such an approach is illogical and does not represent good planning.

In addition, while OPA 804 is intended to address amendments to the *Planning Act* made through Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*) and associated amendments reflected in the PPS 2024, it is inconsistent with the intent of those Provincial amendments, as outlined further below.

OPA 804 Fails to Implement Bill 97 and the PPS 2024

Bill 97 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 associated 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 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 No. 668 and Official Plan Amendment No. 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.

The proposed policy direction in 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 – which would not include East Harbour given the intention to accommodate office and retail uses. Otherwise, the proposed policy direction in OPA 804 remains to remove existing land use permissions from all of the City’s employment areas, with the exception of four areas. OPA 804 neither implements the new *Planning Act* definition nor is consistent with the PPS 2024.

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 light of the above, in our view, OPA 804 requires further consideration and consultation. We therefore ask that the Committee refer OPA 804 back to City staff.

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", is written over a light blue rectangular background.

Max Laskin
MXL/

1389-9155-0998