

May 6, 2025

Our File No.: 242227

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 No. 2025.PH21.1 – Official Plan Amendments to align with Provincial
Legislative and Policy changes related to Employment Areas – Decision Report**

We are solicitors to Rockport Holdings Limited, who is the registered owner of the lands known municipally in the City of Toronto (the “**City**”) as 105-109 Vanderhoof Avenue and 10 Brentcliffe Road (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 is located within an area bounded by Eglinton Avenue East, Laird Drive, Commercial Road and Brentcliffe Road that has an existing and planned mixed use character, consisting of high-rise residential development along Eglinton Avenue East and predominantly large format retail development to the south between Laird Drive and Brentcliffe Road. This mix of uses is also consistent with the Property being located within a major transit station area associated with the Laird station on the Eglinton Crosstown LRT line.

The Property itself is currently being used for retail and service commercial uses, not industrial (manufacturing or warehousing) uses. Notwithstanding the designation of the Property as *Core Employment Areas*, the commercial use of the Property is recognized and permitted through Site and Area Specific Policy 393. The lands surrounding the Property to the south and west are primarily developed for, or have approvals in place for, large format retail developments. 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 Planning Statement, 2024 (the “PPS 2024”).

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 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 direction.

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 by limiting the scope of permitted uses in the Official Plan. This would be at odds with the Property’s location immediately south of significant mixed-use intensification projects and the Property’s proximity to higher order transit.

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