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**May 7, 2025**

**Planning and Housing Committee**

Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**To: The Chair and Members of Planning and Housing Committee**

**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 Kodiak Ventures Corp., the registered owner of the lands known municipally as 11-15 Kodiak Crescent, City of Toronto (“Subject Lands”). On behalf of our client, we write with concerns about the above-noted item and with the draft Official Plan Amendment No. 804 (“OPA 804”).

The Subject Lands are located towards the southeast corner of Kodiak Crescent, west of Allen Road and east of Sheppard Avenue. Approximately 1.0 hectare in area, the Subject Lands are currently designated “General Employment” the City of Toronto Official Plan and comprise a single building, approximately 46,000 square feet, which accommodates the Herzing College – Skilled Trade Division; a trade school providing pre-apprenticeship and construction training programs. Several other ancillary uses within the building, include commercial / personal service and office uses.

As set out in the staff report, OPA 804 proposes various amendments to the City’s Official Plan Employment Area policies. Specifically, the changes would restrict permitted uses within



Employment Areas to manufacturing, warehousing, research and development in connection with manufacturing and only those office and retail uses ancillary to manufacturing and warehousing.

While we acknowledge the requirement to bring the City's Official Plan into conformity with the Provincial Planning Statement, 2024 (the "PPS 2024"), our client is concerned with the approach being taken by City staff as it relates to implementation of the definition of "Area of Employment" in the Planning Act.

The intent of Bill 97 and the PPS 2024 is that the protections afforded to "Areas of Employment" apply to manufacturing, warehousing, research and development in connection with manufacturing and that office, retail, and institutional uses are not afforded the same protections in an "Area of Employment". This is to say that the intent is to protect traditional industrial uses while not protecting areas containing offices, retail, and institutional uses.

The proposed policy direction for OPA 804 appears contrary to the legislative intent of Bill 97.

Our client's property would be negatively impacted if existing use permissions were removed or revoked – uses which have existed and services the community for years without any negative impact on surrounding uses. The importance of trade schools in the Greater Toronto Area cannot be underestimated particularly in these uncertain economic times; they are vital for addressing labor shortages, supporting economic growth, providing career opportunities, and fostering a diverse and skilled workforce.

OPA 804 in its current form may have detrimental impacts on existing operations and due to the potential legal non-conforming status of the Subject Lands, would impact business sustainability, leasing opportunities as well as discouraging future investment.

As previously stated, the OPA appears to misinterpret the intent of Bill 97 which was not to rescind existing use permissions, particularly when uses are already in place, well established and result in significant contributions toward economic prosperity – nor was the intent to restrict existing permitted uses, which will ultimately cause the Subject Lands to become legal non-conforming.

If the City's intent is not to remove existing permissions, then this needs to be made clear in the text of the OPA and supporting schedules. This is particularly important, as the Official Plan Amendment is made pursuant to Section 26 of the Planning Act and is therefore not appealable.

Given the uncertainty that the policies of OPA 804 create and the potential impact to business operations and ongoing commercial viability for existing uses in General Employment areas, we respectfully request that Committee direct staff to revisit the intent of Bill 97 and revise draft OPA 804 accordingly and in particular the language around "lawfully established" uses.



Finally, we request to receive notifications regarding any meetings, reports or decisions pertaining to this matter.

Yours truly,  
**LOOPSTRA NIXON LLP**

Per: Quinto M. Annibale

CC: Client