

May 6, 2025

Mayor and Members of Council
100 Queen Street West, 2nd Floor West
Toronto, Ontario
M5H 2N2

Attention: Ms. Raneisha Hemmings, Registrar Secretariat

Dear Mayor and Members of Council,

Re: NOTICE OF OBJECTION with respect to Item #PH21.1 – Official Plan Amendments to align with Provincial Legislative and Policy changes to Employment Areas – Decision Report

Re: REQUEST FOR RECIEPT of any and all future reports with respect to Item #PH21.1.

Re: REQUEST FOR NOTIFICATION of any meetings of Council, Committee of Council, Community Council and/or Public Meetings and/or Community Information Meetings where Item #PH21.1 is to be considered.

Re: REQUEST FOR NOTIFICATION of the adoption and/or passage of Item #PH21.1.

Introduction

We are the solicitors for 235 Investment Limited, the owner of the properties municipally known as 235-245 Yorkland Boulevard in the City of Toronto (the “Site”). The Site is located within the Consumers Road Business Park (the “CRBP”), an area bounded by Highway 404 to the west, Sheppard Avenue East to the north, Victoria Park Avenue to the east, and Highway 401 to the south. More specifically, the Site is bounded by Yorkland Boulevard to the east and Highway 404 to the west, with the North Toronto Christian School to the north, and the 10-storey Edward Hotel to the south. The Site is also located within the boundaries of the ConsumersNext Secondary Plan.

The Site is “L-shaped”, with an area of approximately 2.39 hectares, which Site is currently occupied two existing office buildings and two large surface parking lots. In November of 2024, our client submitted an Official Plan Amendment Application to facilitate the Site’s development with four (4) towers atop two (2) shared podiums. Our client’s proposal incorporates a significant public realm component, with a proposed 5,238.4 square metre public park. Our client’s application was deemed complete by the City on February 10, 2025.

Recent Updates to the Planning Act and Provincial Policy Statement (the “PPS”)

In April of 2023, the Province of Ontario (the “Province”) introduced the *Helping Homebuyers, Protecting Tenants Act* (“Bill 97”). Bill 97 received Royal Assent on June 8, 2023. Among amendments to various other Municipal and Provincial Acts, Bill 97 amended subsection 1(1) of the *Planning Act* by redefining the term “area of employment”. This updated definition limits which lands qualify as, and can be designated as, an “employment area” within a Municipality’s Official Plan. Specifically, the updated definition expressly excludes institutional and commercial uses from the “employment area” definition. The intent of these changes is to create new opportunities for the development of housing, in areas of the Province which were previously underutilized.

After Bill 97 received Royal Assent, in October of 2024, the Province updated the PPS (to be referred to as the “2024 Provincial Planning Statement” or “2024 PPS”). The 2024 PPS consolidated the previous version of the PPS and the *Growth Plan* into a single streamlined planning policy document. It included updated policies in support of Bill 97’s amendment to ss. 1(1) of the *Planning Act*. Specifically, Section 2.8.2.4 of the 2024 PPS states: “*Planning authorities shall assess and update employment areas identified in official plans to ensure that this designation is appropriate to the planned function of employment areas.*” The intent of this policy is clear – to encourage mixed-use development outside of the newly defined employment areas to support and encourage new housing and complete communities.

Pursuant to ss. 26(1)(c) of the *Planning Act*, a municipality is responsible for revising its Official Plan(s) to ensure they remain consistent with policy statements issued under subsection 3(1) – such as the 2024 PPS. As such, the City is required to revise its Official Plan to align with the Province’s vision concerning the treatment of employment-designated lands.

Official Plan Amendment 804 (“OPA 804”)

In complying with the Province’s specific direction, as set out in the 2024 PPS and *Planning Act* amendments, one would have hoped that the City of Toronto would introduce an official plan amendment to fast-track the delivery of housing within areas that are no longer designated employment. Instead, it is respectfully submitted that the policy document issued by City Staff fails to implement the direction of the Province, and instead includes the following impediments to the realization of the Province’s goals:

- 1) **Local Area Study Requirement** – Proposed OPA 804 provides that no form of residential uses, overnight accommodations or live-work uses shall be permitted within the ConsumersNext Secondary Plan area, **prior to the completion of a local area study**. This proposed area study exercise does not include a finite timeline, and would significantly delay the delivery of housing, amid a prolonged housing crisis, to an underutilized area of the City. There is no need to conduct a local area study for the ConsumersNext Secondary Plan area, as it is not an area which includes uses considered to be incompatible with residential uses. Rather, the ConsumersNext area is flush with office uses and car dealerships, both of which

would compliment residential uses. There is no need to delay the delivery of housing with an unnecessary local area study exercise. An additional reason that this requirement makes no sense is the fact that even once the non-employment lands are redesignated in the Official Plan, an extensive review and consultation process is required as part of any future application for rezoning. In addition, the area is surrounded by hi-rise mixed use developments on the surrounding/abutting arterial roads, which again, have been deemed to be compatible with the existing uses within the same ConsumersNext area.

In previous years, even prior to the Province's recent introduction of the amendments referenced herein, when the City considered and approved conversion requests within the immediate area, those conversion requests resulted in the sites being redesignated "Mixed Use Areas". There is no basis for the new policies to introduce a more cumbersome framework by designating the Site as a "Regeneration Area" and subjecting the Site to the further local area studies noted above. Proposed OPA 804 ought to have designated the Site as a "Mixed Use Area".

- 2) **Non-Residential Space Requirement** – Proposed OPA 804 includes a policy which directs that the greater of 15 per cent of the total gross floor area on the lands within the ConsumersNext area, or 1.0 times the site area excluding lands conveyed to the City or other public body for new parks, open spaces, natural areas, streets and/or lanes, will be non-residential gross floor area. The policy goes on to place additional requirements on the types of non-residential uses that may be provided. This policy is in contradiction with the Province's direction – which direction was to allow for mixed-use development on certain employment-designated lands. The City is introducing a minimum non-residential gross floor area requirement, which requirement creates a significant economic barrier to the provision of housing within the ConsumersNext area, and in addition, is a requirement that is contrary to the Provincial direction in this regard. The very reason the Province introduced these policies was to recognize there are several areas within the City where office uses have remained economically unviable – including areas where such office uses were considered an "employment use", but do not reflect the incompatible "industrial" type uses that were sought to be protected as a "true" employment area. To ignore this fact and impose a requirement to replace the very uses which have historically been unviable, makes no sense.
- 3) **Affordable Housing Requirement** – OPA 804 is proposing to include policies requiring affordable housing to be included as a precondition to permitting residential uses to proceed. Neither Bill 97 nor the 2024 PPS include any direction relating to the delivery of affordable housing units. The inclusion of requirements tying the new residential development to a minimum amount of affordable housing is beyond the direction put forward by the Province, and furthermore, will impact the financial viability of the Provincial intention to provide an increase to the Province's residential housing supply. The City is attempting, through these policies, to introduce the same type of inclusionary zoning provisions that the Province had previously not accepted.

Rather than implementing the Province’s direction and expediting the release of employment lands to allow for residential and/or mixed-use development, the City, through the introduction of OPA 804, and specifically through the above-noted proposed policies, has overstepped its jurisdiction. As noted above, the policies contained within proposed OPA 804 are in direct contravention of the Province’s recent direction and fail to forward the Province’s stated goal of delivering 1.5 million new homes by 2031.

Our Client’s Proposed Official Plan Amendment – 235-245 Yorkland Boulevard

In December of 2021, during the City’s most recent Municipal Comprehensive Review, our client filed an application for an Official Plan Amendment to redesignate the Site from “*General Employment Areas*” to “*Mixed Use Areas*” (the “2021 Application”). The purpose of such application was to facilitate the development of four (4) residential towers on the Site, while maintaining the Site’s existing supply of office space - through the retention of the existing 12-storey office building and replacement of any lost office space resulting from the demolition of the existing 3-storey office building on the Site within the podium of the proposed development. Despite the merits of our client’s application, the 2021 Application was denied by Council. At the time of such denial, no further action was taken by our client as the in-force legislation did not afford our client a right of appeal. However, in light of several key revisions to the *Planning Act* and the introduction of the 2024 PPS, as previously discussed, our client filed a new Official Plan Amendment Application in November of 2024 (the “2024 Application”). The 2024 Application was deemed complete by the City on February 10, 2025.

The 2024 Application proposes to incorporate a significant public realm component, with a 5,238.4 square metre public park dedication. The proposed public park makes up 20% of the total Site area and is 10% in excess of the required parkland dedication. Along the western boundary of the Site, the proposal includes a 14-metre setback from Highway 404, which setback area will be used as a connection to the proposed greenway multi-use trail for both pedestrians and cyclists, as contemplated in the ConsumersNext Secondary Plan. The open space condition along the Site’s western boundary is further enhanced by the addition of a Privately-Owned Publicly Accessible Space (POPS) between the Greenway connection and the existing 12-storey office building, which office building is to be maintained. In total, the proposal includes 11,081.40 square metres of landscaped open space – compared to the existing amount of 2,251.50 square metres.

Request to Adopt the Proposed Site and Area Specific Policy (“SASP”) for the Site

Collectively, the proposed policies contained within proposed OPA 804 contradict the Province’s direction to expedite the delivery of new housing within underutilized former areas of employment. In this particular instance, our client’s site is well equipped to not only accommodate new housing with parks, public roads and private open space, but the Site is also within immediate proximity to many other mixed-use and residential development approvals along Sheppard Avenue East and

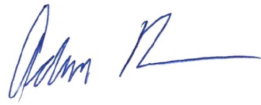
Brown♦Dryer

—BARRISTERS & SOLICITORS—

Victoria Park Avenue. The proposal, with its various components, revitalizes an underutilized Site and specifically implements the Province's vision for redevelopment within previously designated employment areas. As such, we respectfully request the adoption of our client's proposed SASP for the Site (**attached as Schedule 'A' to this letter**).

In light of the foregoing, we hereby file this notice of objection, and request for notice concerning all matters relating to Item #PH21.1, as outlined in the subject of this letter, on behalf of our client. Should you have any questions or require any additional information, please do not hesitate to contact the writer, or Sean Brown, a lawyer in our office.

Yours very truly,



Adam J. Brown

BROWN • DRYER • GOLD • SMUSKOWITZ

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Schedule 'A'

Authority: North York Community Council , adopted by City of Toronto Council on ####, 2024

CITY OF TORONTO

BY-LAW No. XXX

**To adopt Amendment No. ~ to the Official Plan for the City of Toronto
respecting the lands known municipally in the year 2024 as
235 and 245 Yorkland Boulevard**

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment XXX to the Official Plan of the City of Toronto is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on XXX

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

AMENDMENT NO. ~ TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2024 AS
235 & 245 YORKLAND BOULEVARD

The Official Plan of the City of Toronto is amended as follows:

1. Urban Structure Map 2 is amended by deleting the subject lands from the Employment Areas designation as shown on Schedule 1
2. Land Use Map 19 is amended by redesignating the subject lands from *General Employment Areas* to *Mixed Use Areas* as shown on Schedule 2

The ConsumersNext Secondary Plan is amended as follows:

1. Potential Tall Building Locations and Maximum Densities Map 38-4 is amended by denoting a maximum density of **8.81** FSI for the subject lands, as shown on Schedule 3
2. Land Use Map 38-6 is amended by redesignating the subject lands from the General *Employment Area* to *Mixed Use Areas*, as shown on Schedule 4
3. Potential Tall Building Locations and Maximum Heights Map 38-10, is amended by identify the lands as a potential tall building site, as shown on Schedule 5

That a new Site Specific Policy be added within the Consumers Next Secondary Plan, as follows:

XX. 235 and 245 Yorkland Boulevard

- a) The Site Specific Policy XX applies to the subject lands to permit the redevelopment of the site for a mixed-use development providing for a maximum of **145,500** square metres of gross floor area;
- b) Policy 3.3 shall not apply. Non-residential uses shall comprise a minimum of **20,500** square metres of the total gross floor area;
- c) Policy 3.5 shall not apply;
- d) Despite Policy 4.23, Privately Owned, Publicly Accessible Open Spaces (POPS) may be considered for parkland dedication;
- e) Policies 4.29 and 4.30 shall not apply;
- f) Policy 5.3 (b) shall not apply;
- g) Policy 5.16.1 shall not apply;
- h) Policy 5.17 shall not apply;

- i) Despite Policy 9.4, the Floor Space Index (FSI) will be calculated using the net site area;
- j) Despite Policy 7.2.1, 30 percent of the total units shall be 2-bedroom units with no minimum unit sizes;
- k) Despite Policy 7.2.2, 10 percent of the total units shall be 3-bedroom units with no minimum unit sizes.

Schedule 1



235-245 Yorkland Boulevard

Official Plan Amendment

File # _____

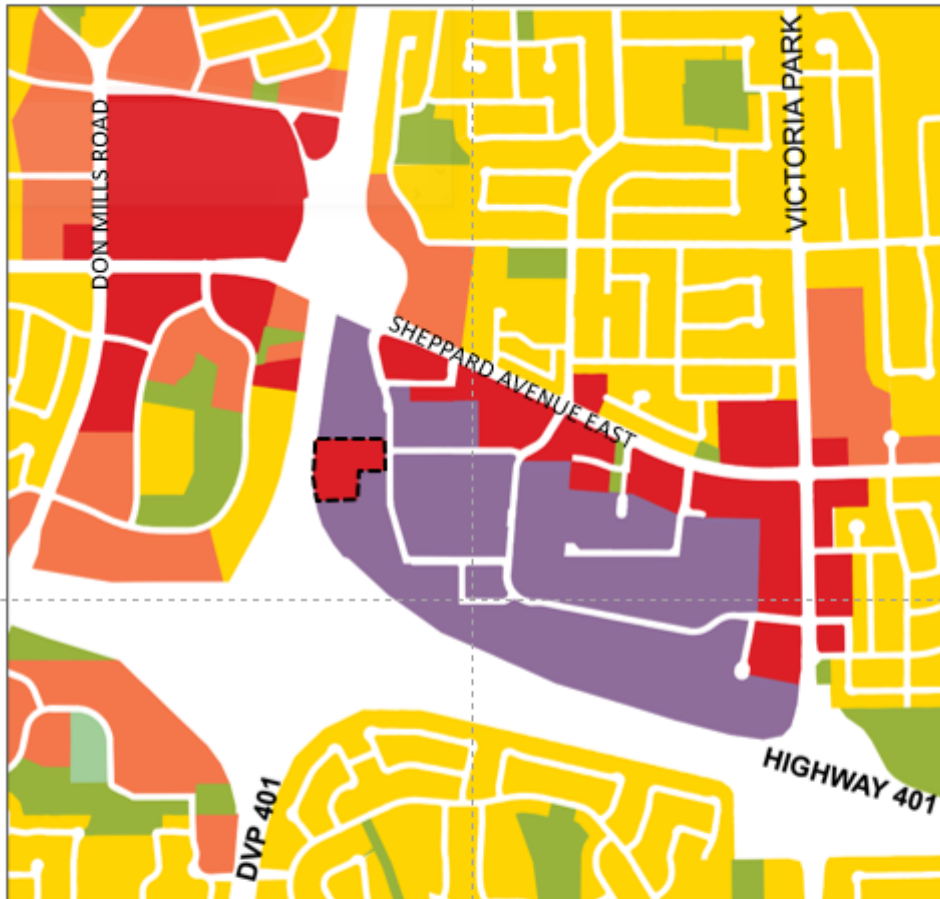
Urban Structure – Map 2



- Avenues
- Employment Areas
- Green Space System

SUBJECT SITE

Schedule 2

235-245 Yorkland Boulevard

Official Plan Amendment

File # _____

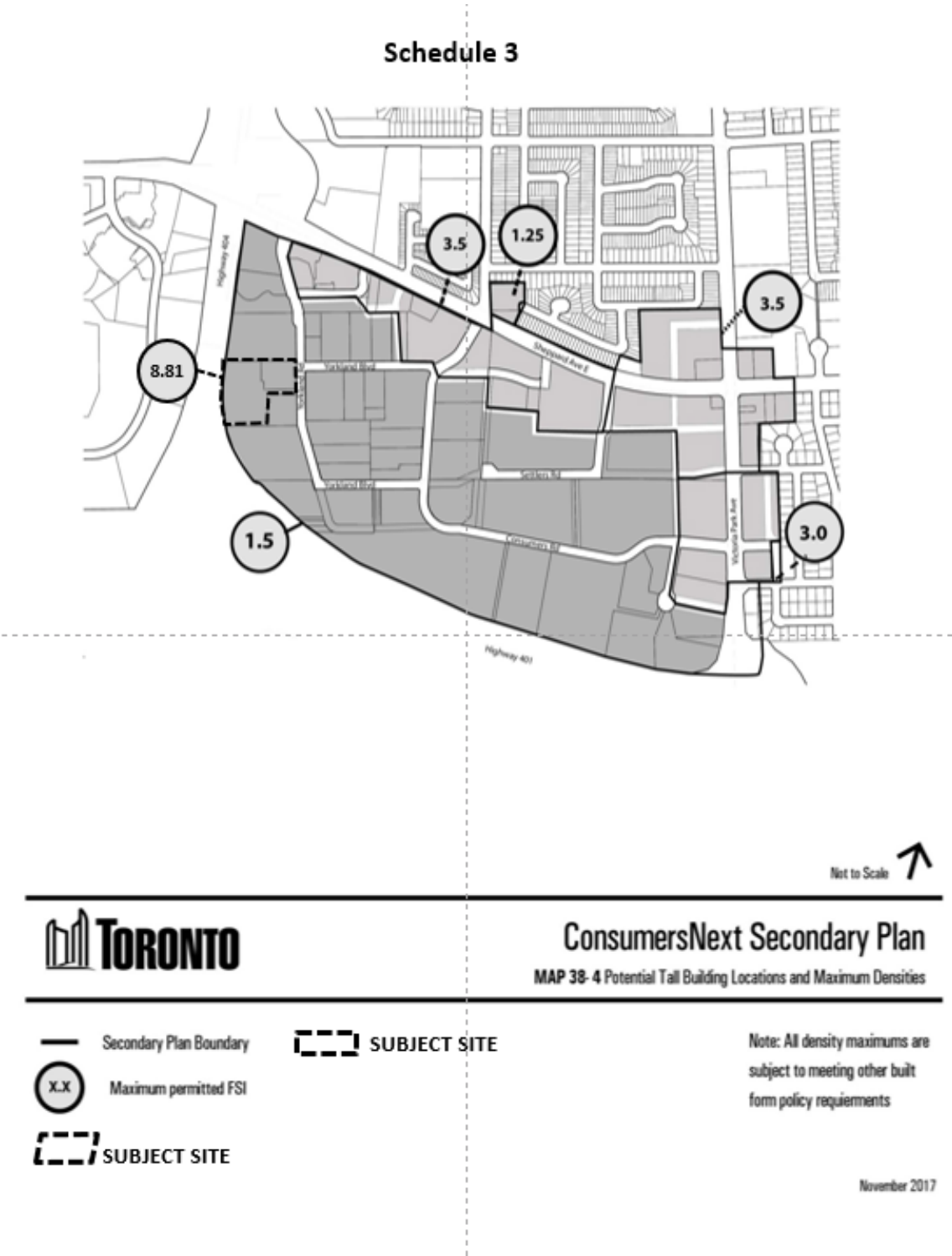
Land Use – Map 19

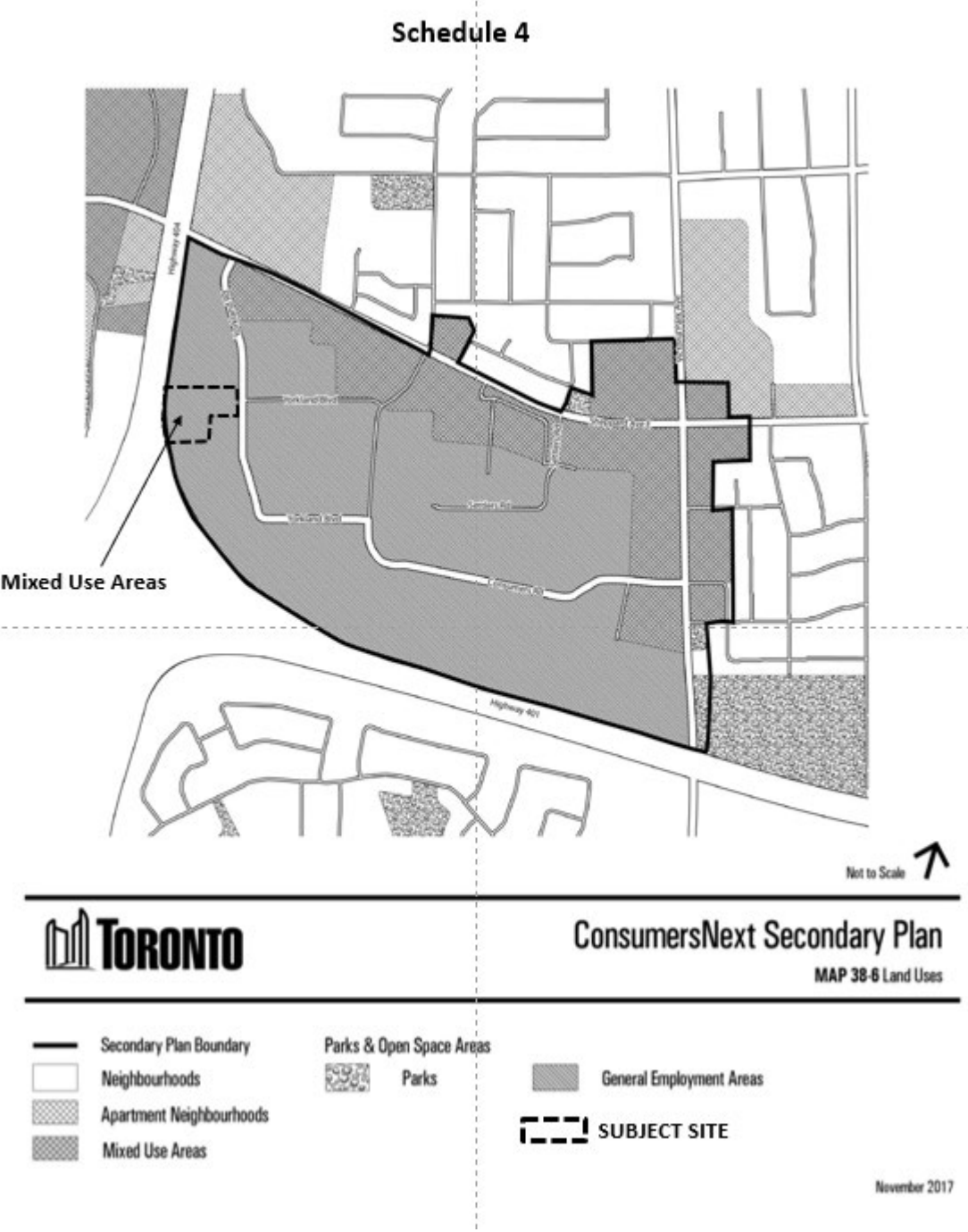


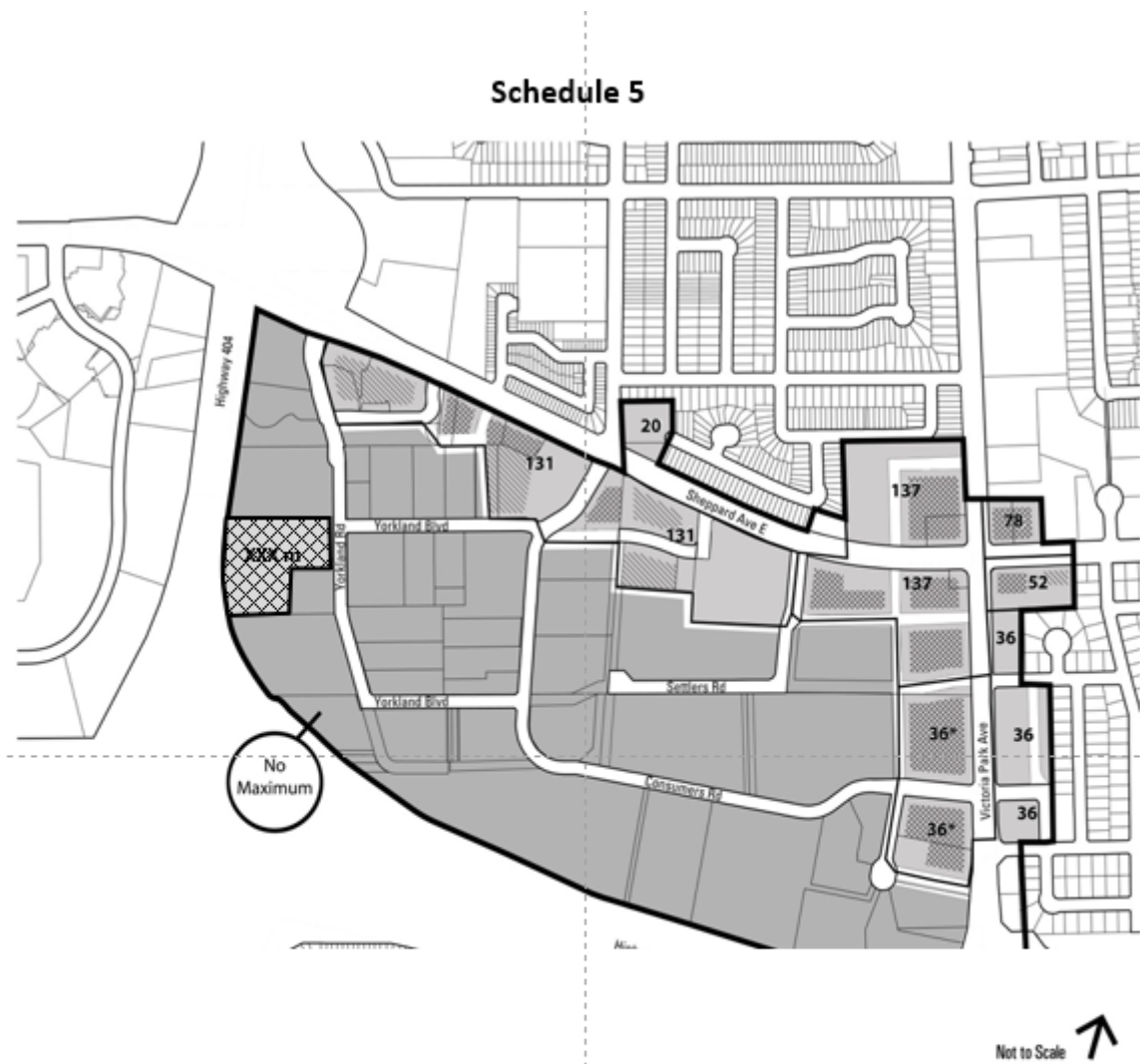
	General Employment Areas		Parks
	Neighbourhoods		Mixed Use Areas
	Apartment Neighbourhoods		Other Open Space Areas

 SUBJECT SITE

Schedule 3







ConsumersNext Secondary Plan
MAP 38-10 Potential Tall Building Locations and Maximum Heights

Secondary Plan Boundary	78	Maximum 78m tower permitted	Location with Existing/Approved Tall Building
20	Maximum 20m midrise permitted	131	Maximum 131m tower permitted
36	Maximum 36m midrise permitted	137	Maximum 137m tower permitted
36*	Maximum 36m midrise permitted (Tower of 83m permitted if in compliance with Policy 5.16.5 (d))		Location with Potential Tall Building
52	Maximum 52m tower permitted		

Notes:
1) m – Metres from grade as defined by the Zoning By-law.
2) All height maximums are subject to meeting other built form requirements in section 5 of this Secondary Plan.

November 2017