



May 8, 2025

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. PH21.1 – Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas – Decision Report

We are the planning consultants to 1370443 Ontario Limited (the “Owner”) with respect to a 2.15-hectare site located along The Queensway commercial corridor, municipally known as 1543-1551 The Queensway & 66-76 Fordhouse Boulevard in Etobicoke (the “Subject Site”).

On behalf of the Owner, we are writing to provide our comments on proposed Official Plan Amendment 804 (“Draft OPA 804”). Draft OPA 804, released by the City on April 16, 2025, would amend the Official Plan, redesignate certain *General Employment Areas* and repeal By-laws 1107-2024 and 1108-2024, that pertain to the previously Council-adopted Official Plan Amendments 668 and 680, respectively. Additionally, a Decision Report dated April 23, 2025, and titled “Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas” was released by the City on May 1, 2025.

The purpose of this letter is to provide a list of comments and concerns regarding proposed Draft OPA 804, which are set out below.

Background

Subject Site

The Subject Site is approximately 21,550 square metres (2.15 hectares) in area, with frontages of approximately 76.2 metres along The Queensway and 94.2 metres along Fordhouse Boulevard and a depth of approximately 237.7 metres.

The Subject Site is currently occupied by seven 1-to 2-storey commercial buildings that have a total building footprint of approximately 5,540 square metres. Currently, the building at 1545 The Queensway is being used for a construction management office, the building at 66 Fordhouse Boulevard is used by Hello Fresh for the preparation of meals for delivery and the building at 76 Fordhouse Boulevard is being retrofitted to accommodate Haven on The Queensway's essential services through programs such as a food bank, Haven's Closet, First Care for new parents, Hope with Wheels, feeding those living on the streets and Haven Helping Seniors support. The remainder of the buildings on the site, including the single-family dwelling at 1547 The Queensway are vacant.

Employment Land Conversion Request

As part of the City of Toronto's Municipal Comprehensive Review ("MCR"), the Owner requested a conversion from *General Employment* and *Core Employment Areas* to *Mixed Use Areas*, under the City of Toronto Official Plan ("Official Plan"). That conversion request did not contemplate the mixed-use mixed income proposal now intended for the Subject Site. On June 18, 2023, City Council adopted OPA 644, pursuant to sections 26 and 17 of the *Planning Act* through By-law 599-2023. On Map 2 of Council-adopted OPA 644, the Subject Site is redesignated *General Employment Areas* in its entirety. The Minister of Municipal Affairs and Housing approved OPA 644 with modifications on January 27, 2025.

In the final assessment of the conversion request, City Staff recommended a partial redesignation of the lands from *Core Employment* to *General Employment Areas* and noted that in Staff's opinion the *General Employment Areas* designation would be consistent with the adjacent commercial uses along The Queensway.

Bill 97 Helping Homebuyers, Protecting Tenants Act, 2023

On April 6, 2023, the Province changed the definition of "area of employment" in the *Planning Act* as part of Bill 97 (*Helping Homebuyers, Protecting Tenants Act, 2023*) by narrowing the scope of uses that are permitted in these areas to manufacturing uses, warehousing uses, and research and development in connection with manufacturing. Commercial uses, including stand-alone retail and office uses, as well as institutional uses, are not permitted within an "area of employment". Bill 97 received Royal Assent on June 8, 2023.

Given the initial employment land conversion request and the Owner's desire to redevelop the Subject Site, we have been monitoring the City's Official Plan conformity exercise and the evolution of the provincial definition of "area of employment" in the *Planning Act*, as amended by Bill 97, the *Helping Homebuyers, Protecting Tenants Act*. Given the new definition, the current commercial uses on the Subject Site will no

longer be permitted uses in an “area of employment”. The Subject Site and surrounding area along The Queensway do not meet the new definition of an “area of employment”.

Official Plan Amendments 668 and 680

In response to Bill 97, City Council adopted OPA 668 on July 19, 2023, and OPA 680 on July 25, 2024. OPA 668 authorized the continuation of lawfully established uses in Employment Areas, while OPA 680 aligned the land use permissions in Employment Areas with the amended definition of “area of employment”.

In the months that followed, in October 2024, the Minister of Municipal Affairs and Housing filed Ontario Regulation 396/24 (“O.Reg. 396/24”), which removed City Council’s delegated approval authority for OPA 668 and 680 and provides the Minister the approval authority for these two Official Plan Amendments, specifically. The Ministry of Municipal Affairs and Housing also suggested that the City consider revoking OPA 668 and 680, removing certain lands from Employment Areas in alignment with the Planning Act and Provincial Planning Statement 2002, and proceeding through a section 26 Official Plan Amendment, which would require the approval of the Minister of Municipal Affairs and Housing.

In response to these suggestions, Planning and Housing Committee is considering proposed Draft OPA 804.

Official Plan Amendment Application

In December 2024, in partnership with the Owner, Community Affordable Housing Solutions (the “Applicant”), a coalition of non-profit organizations composed of St. Clare’s Multi-Faith Housing Society, Habitat for Humanity Greater Toronto Area (“Habitat GTA”) and Haven on the Queensway (“Haven”) submitted an Official Plan Amendment application to change the land use designation of the Subject Site from *General Employment Areas* to *Mixed Use Areas*. This Official Plan Amendment application would permit the comprehensive redevelopment of the Subject Site containing one new public road and two public laneways, a 3,755 square meter community space for Haven, 630 square metres of space dedicated to a Habitat GTA’s ReStore program, 342 units of affordable housing, 1,477 market housing units, and a 1,322 square meter public park.

The proposal includes four tall buildings with heights ranging from 30 to 45 storeys. Collectively, the buildings contain a total of 1,819 dwelling units, including 342 affordable housing units, and a total gross floor area of 131,424 square metres, comprised of 126,338 square metres of residential gross floor area, including 23,651 square metres of affordable housing residential gross floor area, and 3,755

square metres of Haven community space, 630 square metres of Habitat GTA's ReStore gross floor area and 700 square metres of daycare gross floor area, resulting in a density of 8.9 floor space index.

The City deemed the Official Plan Amendment application complete on January 8, 2025. At the time of this letter, the application is under review.

Comments on OPA 804

On behalf of our clients, we are writing to provide comments and suggest revisions to Draft OPA 804.

1. Provincial Directive as set out in *Planning Act* and PPS 2024

Planning Act and Provincial Planning Statement, 2024 ("PPS 2024")

The public notice provides that the intent of the Draft OPA 804 is to amend the Official Plan to align with the Provincial Planning Statement 2024 employment area policies and the "area of employment" definition and provisions in the *Planning Act*.

The intent of the Bill 97, in providing a new definition of "area of employment" is to clarify the distinct character of employment uses (i.e. manufacturing, warehousing, and research and development) from commercial uses including office and retail uses not associated with those primary employment uses.

In this regard, subsection 1(1) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") defines "area of employment" as an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

Subparagraph 1 identifies the business and economic uses that are included in an "area of employment" as the following:

- i. Manufacturing uses.
- ii. Uses related to research and development in connection with manufacturing anything.
- iii. Warehousing uses, including uses related to the movement of goods.
- iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
- v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
- vi. Any other prescribed business and economic uses.

Subparagraph 2 of Subsection 1(1) specifically excludes institutional and commercial uses, including retail and office uses not referred to in subparagraph 1 iv.

The PPS 2024 defines an “Employment Area” as following:

Employment area: means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the *Planning Act*. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.

In our opinion, the Subject Site, which is currently occupied by a construction management office, Hello Fresh for the preparation of meals for delivery and Haven on The Queensway for community services, would not be considered an “area of employment” or “Employment Area” as per the *Planning Act* and PPS 2024. Further, the section of The Queensway west of Kipling Avenue and east of Highway 427 is a commercial corridor with no existing primary employment use.

In our opinion, Draft OPA 804 should be revised to redesignate commercial corridors with *General Employment Area* designation, such as The Queensway, to *Mixed Use Areas*.

Further, as noted above, the Owner and Applicant have already submitted a private Official Plan Amendment application to permit the redesignation of the Subject Site to *Mixed Use Areas* which is permitted under the *Planning Act*.

2. Redesignation to Mixed Use Areas and Inclusion in Draft OPA 804

OPA 804 amends the Official Plan to ensure that “lawfully established” uses in *General Employment Areas* and *Core Employment Areas* are transitioned, and that land use permissions in the Official Plan align with the new definition of “area of employment” in the *Planning Act* and PPS 2024. OPA 804 identifies lands for potential removal to ensure alignment with the new “area of employment” definition.

As noted in the Decision Report dated April 23, 2025, areas identified for removal are generally categorized as office. These areas include the Don Mills Employment Area, Duncan Mills Employment Area, Downsview Park Employment Area and Consumers Road Business Park.

Further, in determining lands for removal, City Staff put forth several characteristics including:

- Current land use designation as General Employment Areas;
- Permission of sensitive land uses (e.g. workplace daycares);
- Most existing uses in these areas are classified as institutional and commercial uses, including retail and office; and
- No or very few existing major facilities.

It is our opinion that the Subject Site, together with the remainder of The Queensway corridor west of Kipling Avenue and east of Highway 427, share these characteristics and redesignation to *Mixed Use Areas* and should be recognized in a revised Draft OPA 804.

Further, the Subject Site currently permits sensitive land uses and contributes to a cluster of institutional and public services in the area. More specifically, the building at 76 Fordhouse Boulevard is currently being retrofitted to accommodate Haven on The Queensway and the essential services it provides, whether that be a food bank, Haven's Closet, First Care for new parents, Hope with Wheels or Haven Helping Seniors support.

More broadly, the Subject Site is located within a segment of The Queensway, that is established as a retail and commercial corridor, where the PPS 2024 encourages building more homes on underutilized low-density commercial lands. The immediate area surrounding the Subject Site is identified as a hub of institutional and public service facilities provided by the Church on The Queensway and Haven on The Queensway. A redesignation to *Mixed Use Areas* would be keeping with the intent of the Bill 97, which is to protect traditional industrial uses employment areas due to compatibility concerns, while allowing for greater flexibility where existing offices, retail and institutional uses *already* inhibit industrial (or non-sensitive land uses) operations (or their establishment).

We ask to be included on the City notice list on behalf of our clients for any City Council decision regarding OPA 804.

Thank you for your consideration of these comments. If you have any questions or would like to discuss these matters further, please do not hesitate to contact the undersigned or Himanshu Katyal of this office.

Yours truly,
Bousfields Inc.



David Charezenko, MCIP, RPP

c.c. Clients