



BOUSFIELDS INC.

May 7, 2025

Project No. 21292

Planning and Housing Committee
City Hall, 10th Floor, West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Members of the Planning and Housing Committee,

**Re: PH21.1 Official Plan Amendments to align with Provincial Legislative and Policy Changes Related to Employment Areas - Decision Report
1120 Finch Avenue West, Toronto
5781-5789 Steeles Holdings Limited, Toronto**

We are the planning consultants to Century Standard Development Corporation, the owners of 1120 Finch Avenue West and 5781 Steeles Holdings Limited, the registered owner of 5781-5789 Steeles Avenue West (together, the “subject sites”).

The subject site at 1120 Finch Avenue West is located within the DUKE Heights Business Improvement Area (“DUKE Heights BIA”) which is 1 of 84 business improvement areas within the City of Toronto providing services and programs to support local businesses. The DUKE heights BIA is home to 2,500 businesses. The subject site at 1120 Finch Avenue is within an area of the DUKE heights BIA along Finch Avenue West (from Dufferin Street to Chesswood Drive) which includes a cluster of mid-rise and low-rise commercial buildings, office buildings, medical centres, community serving retail and other commercial uses.

We have reviewed the April 23, 2025 report related to Item PH21.1, Official Plan Amendments to align with Provincial Legislative and Policy Changes Related to Employment Areas – Decision Report, including Official Plan Amendment (“OPA”) 804, and have concerns about the impacts of OPA 804 on our clients’ lands and their existing business operations.

We recommend the following:

1. Either that the City refer OPA 804 back to staff to allow time for the City to consult further with the Province on the definition of the term “lawfully established” or for the Province to introduce a definition;
2. Failing that, for the City to define the term “lawfully established” as part of OPA 804 in order to clearly identify uses that are currently lawfully “permitted” to be “lawfully established”;
3. In the alternative, we recommend that the subject site be redesignated to *Mixed Use Areas*, in order to ensure that the existing commercial uses continue to be permitted and could be expanded or reintroduced. Given that our clients have no residential redevelopment aspirations in the short-term for either site, they would be open to site and area specific policies that prohibit residential uses on either site to accompany the redesignations; or

4. As a final alternative, we recommend that a local study area be conducted by the City for the DUKE Heights BIA as requested by the DUKE Height BIA in their letter to PHC dated May 3, 2025, to evaluate whether area-specific updates are warranted in cases where existing uses and economic activities no longer align with the narrow “area of employment” definition, such as on the subject site within DUKE Heights.

SITES AND SURROUNDINGS

The subject site at 1120 Finch Avenue West is located on the north side of Finch Avenue West, west of Dufferin Street, within the York University Heights neighbourhood and the DUKE Heights BIA. The DUKE heights BIA is home to 2,500 businesses, ranging in employment, commercial, office and service commercial uses. Specifically, the subject site at 1120 Finch Avenue is within a cluster of mid-rise commercial, office buildings, medical centres, and community servicing retail located along Finch Avenue West between Dufferin Street and Chesswood Drive. This small cluster of office and other commercial uses supports the new economic investment within this area. It is important that any future policy changes not jeopardize the existing business flexibility and future intensification within this small cluster of businesses within the DUKE Heights BIA.

The subject site contains four buildings, three of which are single storey in height with the fourth having a height of eight storeys. The buildings have a total gross floor area of approximately 250,000 square feet and are currently occupied by a variety of commercial (e.g. retail, restaurant), institutional and office uses, all uses that no longer meet the definition of an area of employment. The site is designated *General Employment Areas*, as are lands to east and south, while lands to the north are designated *Utility Corridors* and lands to the west are designated *Core Employment Areas*.

The subject site at 5781-5889 Steeles Avenue West is located on the south side of Steeles Avenue West, east of Fenmar Drive, at the northwestern edge of a large employment area centred along Weston Road. The site contains two connected single-storey buildings with a total gross floor area of approximately 130,000 square feet, with a variety of uses including commercial uses. The site is designated *General Employment Areas*, as are lands to the immediate east along Steeles Avenue West. Lands to the southeast are designated *Core Employment Areas*, while lands to the southwest are designated *Neighbourhoods*.

RECOMMENDATIONS

We understand that OPA 804 will amend the City of Toronto Official Plan to redesignate certain Employment Areas to ensure “lawfully established” uses in *General Employment* and *Core Employment Areas* are transitioned, and land use permissions in the Official Plan align with the new definition of “area of employment” in the *Planning Act* and “employment areas” in the Provincial Planning Statement 2024.

In addition, we understand the amendments proposed within OPA 804 are consistent with the Council enacted OPAs 668 and 680 which have not been approved by the Minister of Municipal Affairs and Housing. Since the filing of Ontario Regulation 396/24 it was requested by the Minister of Municipal Affairs and Housing for the City to undertake a new OPA in accordance with section 26 of the *Planning Act* to implement the amendments to Employment Areas.

Based on our understanding of the above, we provide the following recommendations:

1. Deferral

OPA 804 would amend *Chapter 4, Land Use Designations, 4.6 Employment Areas*, of the Official Plan by adding Policies 4.6.9 and 4.6.10 to permit uses *in Core Employment Areas* and *General Employment Areas* that are excluded from the definition of "area of employment" in paragraph 2 of Subsection 1(1) of the *Planning Act* to continue so long as the use has been lawfully established on the parcel of land before October 20, 2024.

With OPA 804, the Official Plan would not define "lawfully established" uses. The lack of definition leaves uncertainty in the interpretation of "established", as "established" could either be interpreted as a lawfully *existing* use (similar to a legal non-conforming use in zoning terms) or a lawfully *permitted* use.

If "lawfully established" were a lawfully *existing* use, this would have likely implications for our clients' ability to lease their properties as uses that cease to exist would no longer be "lawfully established" and therefore no longer permitted. This would complicate the reintroduction of uses, expansions of uses, etc.

It is important that the transition of lawfully established uses is only done when the term is clearly defined. As such, we request that PHC refer OPA 804 back to staff to allow more time for staff to meet with the Province to determine a definition for "lawfully established" uses, or to allow more time for the Province to introduce such a definition, prior to the passing of OPA 804.

2. Defining "lawfully established" within OPA 804

If PHC decides to recommend adoption of OPA 804 rather than refer it back to staff, we request that OPA 804 be modified to include a definition for "lawfully established" within OPA 804. Including a definition of "lawfully established" would provide some certainty that existing and future businesses would be able to operate within employment areas. Specifically, we recommend that "lawfully established" be defined to clearly include uses that are lawfully permitted uses in the zoning by-law as of the effective date of October 20, 2024. Allowing lawfully permitted uses on lands following the adoption of OPA 804 would allow existing uses to operate in their current form, while allowing for leasing flexibility to reintroduce uses, replace uses and expand uses within the site, without Official Plan conformity issues.

3. Redesignate to Mixed Use Areas

In the alternative, we request that the subject sites be redesignated from *General Employment Areas* to *Mixed Use Areas*.

The redesignation of the subject sites to *Mixed Use Areas* would recognize the existing broad range of commercial uses on the subject sites including but not limited to service commercial, retail, office and institutional uses. The redesignation of the site would allow the existing uses to operate on site without any conformity issues and would provide certainty to tenants and our clients that they have flexibility to lease commercial space.

Through OPA 804 the City is proposing four areas to be redesignated from *Employment Areas* to *Regeneration Areas*. In identifying these four areas, the City looked at office parks and areas that do not act as a buffer to more sensitive uses. In our opinion, these criteria do not align with the definition of an area of employment in paragraph 2 of Subsection 1(1) of the Planning Act i.e. the Planning Act does not distinguish between areas of employment based on their location within an office park or their function as a buffer.

If the City's analysis had followed the definition of "area of employment", it would have identified the subject sites for redesignation given the existence of commercial uses on both sites. While our clients have no short-term aspirations to redevelop the subject sites with residential uses, redesignation to *Mixed Use Areas* would be in keeping with the intent and purpose of Bill 97 and the PPS 2024. Given that residential uses are not contemplated on either site, our client would be open to a site-specific policy that would restrict residential uses, while allowing for a range of commercial uses to continue.

4. Local Area Study

As a final alternative, if the subject site at 1120 Finch Avenue West will not be redesignated to *Mixed Use Areas*, we recommend that a local area study be conducted by the City for the Finch Avenue West corridor within the DUKE Heights BIA, as requested by the BIA in their May 3, 2025 letter to PHC. The intent of the study should focus on and recognize that many of the existing businesses operate outside of the scope of traditional employment uses. Businesses within this corridor provide a range of uses including but not limited to mid-rise commercial, office buildings, medical centres, and community serving retail. Historically, these uses were permitted within employment areas, however, change in policy direction has shifted employment uses to be in the form of manufacturing, warehousing and research and development, while removing office, service and retail uses except as ancillary uses.

It is important any future policy changes not jeopardize business flexibility and future intensification within the Duke Height BIA, particularly commercial corridors within the BIA that are providing a range of commercial uses that provide employment, such as the Finch Avenue West corridor. The lack of clarity on the impact of OPA 804 on these types of corridors leave significant implications for landowners as sites where office,

servicing, retail or institutional uses may have been permitted historically, and may restrict the viability of the existing businesses.

CONCLUSION

We understand the intent of OPA 804 is to ensure employment areas within the City of Toronto align with the City's Official Plan and new Provincial definition of "area of employment" and policy direction. However, the lack of understanding and definition of "lawfully established" uses within an employment area creates challenges for landowners that have existing uses that would no longer be permitted in the Employment Area designation.

We request that the Planning and Housing Committee consider the recommendations made above to ensure the continued operation of businesses on the subject sites. We are happy to have further discussions with staff in relation to our recommendations or any further required information to support this request.

If there are any questions with respect to this submission, please do not hesitate to contact the undersigned at 416-947-9744.

We ask to be included on the City notice list related to this matter.

Yours truly,
Bousfields Inc.



Mike Dror, MPL, MCIP, RPP

cc: *Chris Barnett, Osler, Hoskin & Harcourt LLP*
client