

**VIA EMAIL**

May 7, 2025

**ATTN: Nancy Martins, Administrator Planning and Housing Committee**  
Planning and Housing Committee  
Toronto City Hall  
100 Queen Street West  
Toronto  
Toronto, ON M5H 2N2

Dear Chair Perks and Members of the Planning and Housing Committee

**Re: PH21.1 – Official Plan Amendments for Employment Areas – Decision Report**  
**Official Plan Amendment 804**  
**Various Properties**  
**Comments on Behalf of Comments on Behalf of CP REIT Ontario Properties Limited and Canadian Property Holdings (Ontario) Inc.**  
**Our File: CHO/TOR/24-02**

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We are the planning consultants for CP REIT Ontario Properties Limited and Canadian Property Holdings (Ontario) Inc. (herein referred to as the “Owners”), regarding the City of Toronto Employment Area Land Use Permissions Review process, which has resulted in draft Official Plan Amendment 804 (‘OPA 804’). The Owners are the registered landowner of several properties in the City of Toronto as noted in Table 1, and stakeholder in the lands at 825 Don Mills Road (‘Choice Lands’).

**We write to express our concerns with draft OPA 804 which, in our opinion, does not sufficiently review and analyze retail and commercial lands within General Employment Areas for removal from Employment Areas. Accordingly, we request that a decision on OPA 804 be deferred to allow the City time to undertake comprehensive review, analysis, and consultation with respect to the City’s Employment Areas, consistent with the Province’s direction and the Provincial Planning Statement.**

#### **BACKGROUND: COMMERCIAL LANDS**

The Choice Lands are currently classified as *Employment Areas* (Map 2) under the City of Toronto Official Plan (OP’). The Choice/Loblaw Lands are designated as *General Employment Area* and are developed with commercial uses, including retail uses.

The Choice Lands serve an important function to their respective communities, being nodes of commercial activity. Existing commercial tenants are diverse, and include multiple Loblaw brand grocery stores, Costco, restaurants, banks, and other commercial type uses that contribute towards a complete community. The Choice Lands are diverse in context; however, in our opinion, none of the Choice lands are in areas that are characteristically heavy industrial areas and rather are often in areas occupied by other

commercial uses. For two commercial sites, the lands are within a proposed Major Transit Station Area (subject to Ministry approval).

On behalf of the Owner, we have been monitoring the City of Toronto's updates to the *Employment Areas* policies within the context of Bill 97 – *Helping Homebuyers, Protecting Tenants Act*, which are intended to bring the OP into consistency with the Provincial Planning Statement 2024 ('PPS 2024'). We previously provided the City with comments relating to Official Plan Amendments 680 and 668, which were adopted by City Council but are now proposed to be revoked.

**The City's draft OPA 804 proposes to maintain six of the seven Choice Lands as Employment Areas, and only one is proposed to be removed from being an Employment Area (825 Don Mills Road).**

*Table 1: The Choice Lands.*

| Property Address          | Current City of Toronto Official Plan Designation | Registered Property Owner                 |
|---------------------------|---------------------------------------------------|-------------------------------------------|
| 650 Dupont Street         | General Employment Area and Mixed Use Areas       | CP REIT Ontario Properties Limited        |
| 51 Gerry Fitzgerald Drive | General Employment Area                           | CP REIT Ontario Properties Limited        |
| 42-46 Overlea Boulevard   | General Employment Area                           | Canadian Property Holdings (Ontario) Inc. |
| 330 Queen's Plate Drive   | General Employment Area                           | CP REIT Ontario Properties Limited        |
| 17 Leslie Street          | General Employment Area                           | CP REIT Ontario Properties Limited        |
| 11 Redway Road            | General Employment Area                           | CP REIT Ontario Properties Limited        |
| 825 Don Mills Road        | General Employment Area                           | Loblaws Properties Limited                |

## SUMMARY COMMENTS ON DRAFT OFFICIAL PLAN AMENDMENT 804

We have reviewed Draft Official Plan Amendment 804 (Draft OPA 804) and the associated Staff Report, and we understand Staff are recommending that Council adopt OPA 804. **In our submission, the City's analysis has not had sufficient regard for the Province's clear direction for what types of land uses are, and are not to be considered as an Employment Area. In our opinion, the Choice Lands are not appropriate to be classified as an *Employment Area*, and in order to demonstrate consistency with the PPS 2024, we suggest that the City defer a decision on OPA 804 and undertake more comprehensive review and analysis that considers Choice Lands.** We offer the following preliminary comments on behalf of the Owners.

## PLANNING POLICY CONTEXT: BILL 97 & PROVINCIAL PLANNING STATEMENT

### Bill 97: Helping Homebuyers, Protecting Tenants Act

The Province, through Bill 97, updated the *Planning Act* definition of Area of Employment, thereby affirming that Areas of Employment are intended for heavy industrial type uses. The Province's stated intent of this change, as per the Environmental Registry of Ontario was: *"Modifying the definition of area of employment to only include heavy industry and other employment uses that cannot be located near sensitive uses, (i.e., not suitable for mixed use) to scope the applicability of existing provisions which limit appeals of municipal refusals and non-decisions."*

On October 20, 2024, the revised definition of “Area of Employment” under the Planning Act, came into effect, which is as follows:

*“area of employment” means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:*

*1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of 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.*

*2. The uses are not any of the following uses:*

- i. Institutional uses.*
- ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv”*

The “Area of Employment” definition establishes what is, and importantly is not, a permitted use. The definition identifies that the primary use is intended to be manufacturing and warehousing type uses, in addition to uses that are ancillary or in connection to those uses. The definition explicitly identifies commercial uses as not being permitted uses.

The Choice Lands are not characteristic of what the Province considers as an Area of Employment as they are developed as commercial/retail uses, which are prohibited in Areas of Employment. It is therefore unclear as to why the City proposes to maintain these lands within a designation that anticipates heavy industrial type uses and restricts or prohibits the uses existing there today.

### **Provincial Planning Statement (2024)**

The PPS 2024 requires municipalities to assess their employment lands and ensure that those lands are appropriate for the planned function of employment areas (Policy 2.8.2.4):

*“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. In planning for employment areas, planning authorities shall maintain land use compatibility between sensitive land uses and employment areas in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.”*

In our submission, the City of Toronto has not adequately demonstrated consistency with Policy 2.8.2.4 of the PPS 2024. We are not aware of any comprehensive assessment of the City's Employment Area, or any analysis that would suggest the Choice Lands characteristically meet the function of an Employment Area. Notably, there has been no consultation with landowners through this process, except for one (1) one-hour open house meeting on the day of the Staff Report release.

The PPS 2024 seeks to protect and ensure the vitality of employment uses and Employment Areas. Specifically, the PPS 2024 establishes that appropriate transition to sensitive areas shall be provided 'adjacent' to Employment Areas (Policy 2.8.1.1). Further, compatible employment type uses are encouraged to be provided outside out Employment Areas (Policy 2.8.1.2). Finally, the long term economic vitality of Employment Areas is to be protected through avoiding land use and development patterns that are not compatible, within 300m of Employment Areas. We note the following PPS 2024 Policies:

- Policy 2.8.1.1. *"Planning authorities shall promote economic development and competitiveness by: d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses."*
- Policy 2.8.1.2. *"Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects are encouraged in strategic growth areas and other mixed-use areas where frequent transit service is available, outside of employment areas."*
- Policy 2.8.1.3. *"In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines."*

The PPS 2024 provides direction to focus intensification and growth within key areas, including notably "shopping malls and plazas", which are identified as potential Strategic Growth Areas, which are to be the focus of higher-density mixed use development. This includes focusing residential development within existing shopping malls and plazas. Relevant PPS 2024 policies in this regard include Policies 2.2.1; 2.3.1; and 2.4.1.

- Policy 2.3.1.3. *"Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities."*
- Policy 2.2.1: 1. *"Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by: b) permitting and facilitating: 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;"*

- Policy 2.4.1.3. *“Planning authorities should: support redevelopment of commercially-designated retail lands (e.g., underutilized shopping malls and plazas), to support mixed-use residential.”*

#### **CITY OF TORONTO: DRAFT OPA 804**

Official Plan Amendment 804 was released on April 15, 2025, and the associated Staff Report was released on May 1 2025 (and dated April 23, 2025). The Staff Report recommends City Council adopt OPA 804, and outlines the City’s analysis that informed OPA 804. An Open House Meeting was hosted by the City on May 1, 2025. OPA 804 would have the effect of classifying almost 7,339 ha of land as Employment Areas. However, robust consultation on this substantial OPA was not undertaken, and the criteria that formed the basis of the analysis was not known until the release of the Staff Report on May 1, 2025.

PPS 2024 Policy 2.8.2.4 requires comprehensive analysis of a municipality’s Employment Areas. In our submission, the City has not adequately demonstrated that OPA 804 is based on comprehensive planning analysis that is required for an exercise of this nature, which in our opinion has resulted in lands inappropriately being included as Employment Areas, including the Choice Lands.

The Staff Report for OPA 804 dated April 23, 2025 notes the analysis was undertaken as follows:

*“In response to the Province’s request, analysis was undertaken to review Employment Areas across the city to identify lands for potential removal and ensure alignment with the new “area of employment” Planning Act definition and PPS 2024 policies. As a result of this analysis, two general categories of Employment Areas were identified:*

*office parks; and,*

*areas that do not act as a buffer to more sensitive uses”*

The City identified four areas of the City that meet these two categories, including 1) Don Mills Employment Area; 2) Duncan Mills Employment Area; 3) Downsview Park Employment Area; and 4) Consumers Road Business Park. The Staff Report cites several similar characteristics of these lands, including:

- *“The current land use designation is General Employment Areas;*
- *Existing and planned function as office parks;*
- *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.”*

#### **Comments Regarding Employment Areas and Draft OPA 804**

We have the following preliminary comments regarding OPA 804 and the analysis that informed the proposed Employment Areas:

- It is unclear how the City arrived at the two categories for analysis, which resulted in the proposed four areas for removal. We suggest that the City undertake a more thorough planning analysis of the areas proposed to be classified as an Employment Area and undertake further consultation regarding OPA 804.
- In our submission, the City's analysis should have taken into consideration other lands that are appropriate for removal from Employment Areas. In addition to office parks, the analysis should be expanded to include retail/commercial lands. As noted, Employment Areas are intended for heavy industrial type uses, and retail/commercial areas are not consistent with the intended function of an Area of Employment. Rather, the PPS 2024 intends that retail/commercial lands are to be considered for potential residential intensification (Policies 2.2.1; 2.3.1; and 2.4.1).
- The Choice Lands are not appropriate for classification as Area of Employment, and would meet many of the characteristics identified by the City, including:
  - All lands are designated General Employment Areas;
  - Existing and planned function as retail/commercial use;
  - Some include permissions for sensitive land uses, which is not a prerequisite to removal;
  - Surrounding areas are not characteristically heavy industrial in function; and
  - Few existing major facilities.
- The City's OPA 804 proposes that the Employment Areas will themselves be a buffer to more sensitive land uses, which in our opinion is not consistent with the PPS 2024. The intent of the PPS 2024, and specifically Policy 2.3.1, is that transition be provided to more sensitive land uses, beyond the identified Employment Area. It is clear that Employment Areas are intended for heavy industrial type uses, and that other uses such as retail, commercial, office uses are to be limited. It is unclear how the City's proposed Employment Areas, which includes both the Core Employment Area and General Employment Area designations, intend to facilitate such a transition to other areas of the City. In our opinion, the City should explore the opportunity to not classify the General Employment Area designation as an Employment Area, whereby this land use designation can operate as a transition to the Employment Area, and permit an appropriate range of land uses, including retail, commercial, and office uses, which are restricted in Employment Areas.
- Lastly, the distinction between the Core Employment Area and General Employment Area designations is unclear and would be eroded as a result of draft OPA 804.

### **COMMENTS SPECIFIC TO 825 DON MILLS ROAD**

Among the Choice lands identified in Table 1 above, one property (825 Don Mills Road) is proposed to be removed from an Area of Employment through OPA 804. 825 Don Mills

Road is within the identified Don Mills Crossing Regeneration Area proposed through OPA 804. 825 Don Mills Road is currently improved with a Real Canadian Superstore retail grocery store.

Site and Area Specific Policy 11.1 advanced through OPA 804 imposes a number of requirements on the lands within the proposed Redesignation Area. This includes a requirement that the greater of 15 per cent of the total gross floor area on the lands or 1.0 times the site area be provided as non-residential gross floor area. Of that amount, a minimum of 51 per cent of the non-residential gross floor area must be comprised of: (a) uses permitted in *General Employment Areas*; and/or (b) office, medical office, cultural industries, incubator and/or co-working uses.

Based on revisions to the permitted uses within the *General Employment Areas* designation being proposed through OPA 804, it is unclear if the existing large-format retail use remains a permitted use within *General Employment Areas*. Any redevelopment of this site, therefore, would likely require not only the continuation or replacement of the existing grocery store use, but the introduction of new uses to the site that may not be appropriate or compatible with the planned function of the property.

The requirements within Site and Area Specific Policy 11.1 were not discussed with the Owners, nor has there been any consultation with respect to modifications proposed through OPA 804. This rushed process would certainly benefit from a deferral to allow for more careful analysis and consultation with the affected landowners.

## **CONCLUSION**

We would welcome the opportunity to meet with Staff to discuss our comments further. In addition, please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as notice of the decision of the approval of OPA 804.

Should you have any questions, or require further information, please do not hesitate to call.

Sincerely,

**ZELINKA PRIAMO LTD.**



Rob MacFarlane, MPL, MCIP, RPP  
Senior Associate

cc. CP REIT Ontario Properties Limited  
Canadian Property Holdings (Ontario) Inc.  
David Neligan, Aird & Berlis LLP