



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Status Update Report on Official Plan Amendment 804 – Request for Directions

Date: July 22, 2026

To: City Council

From: City Solicitor and Chief Planner & Executive Director, City Planning

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On May 21 and 22, 2025, City Council adopted Official Plan Amendment 804 (OPA 804) in response to Provincial legislation (Bill 97 the Helping Homebuyers, Protecting Tenants Act, 2023) and policy changes affecting Employment Areas. OPA 804 aligns the Official Plan with the new definition of “area of employment” in the Planning Act and “employment area” definition in the Provincial Planning Statement 2024.

The definition of 'employment areas' in OPA 804 mirrors the definition in the Provincial Policy Statement (PPS) and does not permit institutional or commercial uses, including retail and office uses, in Employment Areas unless associated with the primary employment use or lawfully established, consistent with the PPS. OPA 804 was sent to the Minister of Municipal Affairs and Housing (the "Minister") for approval on June 4, 2025. As of the date of this report the Minister has not approved, modified or refused to approve OPA 804.

While waiting for the Minister's decision on OPA 804, the City has received 47 site-specific Official Plan Amendment applications to re-designate lands within Employment Areas and there are currently 10 active appeals before the Ontario Land Tribunal (OLT) seeking the conversion and removal of employment lands. A number of these appeals have been scheduled for hearing events at the OLT commencing as early as November 2026.

The City Solicitor requires further directions. For reasons set out in Confidential Attachment 1, this matter is urgent and cannot be deferred.

RECOMMENDATIONS

The City Solicitor and Chief Planner & Executive Director, City Planning recommend that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. City Council direct that the confidential recommendations and all other information contained in Confidential Attachment 1 to this report is to remain confidential, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

In response to Provincial policy and legislative amendments to Employment Areas, City Council adopted OPA 668 in July 2023 and OPA 680 in July 2024. In October 2024 the Minister advised the City that it would be removing the City's exemption from requiring approval of the Minister for OPA 668 and 680 through regulation. This means that the Minister must approve, refuse or modify the two OPAs instead of City Council. The regulation can be found at the following link:

<https://www.ontario.ca/laws/regulation/r24396>

After the Minister filed O. Reg. 396/24, the Ministry of Municipal Affairs and Housing (MMAH) suggested that the City consider:

- revoking OPA 668 and 680;
- removing certain lands from employment areas, in alignment with the Planning Act and PPS 2024; and
- proceeding through section 26 of the Planning Act which would require the approval of the Minister of Municipal Affairs and Housing.

On May 21 and 22, 2025, City Council adopted Official Plan Amendment 804, to align with the Provincial legislative and policy changes related to Employment Areas and in response to MMAH's suggested course of action. City Council's decision approving OPA 804 can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PH21.1>.

On June 4, 2025, the City submitted OPA 804 to the Minister for approval.

It was posted on the Environmental Registry of Ontario with a 45-day public commenting period, which closed on August 8, 2025. The ERO notice remains at the proposal stage, and no decision has been posted. The notice can be found at the following link:

<https://ero.ontario.ca/notice/025-0702>

BACKGROUND

Employment lands are vital to Toronto's economy. They accommodate 412,000 jobs and 22,530 business across the city on less than 11.6% of Toronto's land area. Through OPA 804, and previous Council-approved OPAs between 2022 and 2024, the City has strategically identified appropriate lands that could be converted to support non-employment uses, while protecting employment lands to achieve local and provincial priorities including economic resilience during trade volatility; policy certainty to attract investment; and retention of advanced manufacturing clusters.

Between 2013 and 2023, 749 employment sites were approved for conversion to permit residential uses. Of those sites, only 20 (or 27%) have resulted in completed residential units totalling 5,997 built units. Based on the most recent Development Pipeline report, as of the end of 2025, there were 791,045 proposed residential units in the city, and 378,000 residential units in the approvals process currently under review.

City staff have heard from a number of businesses that the lack of certainty surrounding the future protection of Employment lands are risking jobs and the future of their operations in Toronto and Ontario. Several businesses have communicated their need for clear and timely provincial direction on employment land conversions. The continued absence of a decision on OPA 804 prolongs the uncertainty identified through those submissions.

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

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ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information