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Our File No. 131974

VIA ONLINE COMMENT PORTAL

Ontario Growth Secretariat
Ministry of Municipal Affairs
777 Bay Street
Toronto, ON M5G 2E5

Attention: Allyson Switzman

Dear Ms. Switzman:

**Re: Proposed Modifications to O. Reg. 311/06 (Transitional Matters – Growth Plans) –
City of Toronto OPA 231**

We are the lawyers for RioCan REIT.

On behalf of our client, we are writing to provide comments on the proposed modifications to O. Reg. 311/06 and in particular, the proposal to amend the transition regulation so that City of Toronto OPA 231 becomes subject to the Growth Plan, 2006 as it read on June 16, 2016.

OPA 231 is Toronto's most recent municipal comprehensive review of its employment lands. OPA 231 was adopted by the City in December 2013 following a lengthy planning process and approved by the Minister in July 2014. While various parts of OPA 231 have now come into force, there remains various appeals outstanding before the LPAT including both site specific conversion requests, as well as policies related to employment land conversions and policies related to retail and commercial development.

This submission is made to request that the Province ensure that all future planning decisions on OPA 231 require conformity with the Growth Plan 2019. To exempt OPA 231 from Growth Plan 2019 via a new transition regulation would wholly undermine this governments land use planning initiatives. To exempt OPA 231 from the 2019 Growth Plan would effectively exempt the whole of the City of Toronto from these important planning changes to unlock land for housing. The need for transit oriented, compact and complete communities is most critically important in Toronto.

In our view, the changes to the Growth Plan implemented by the Province on May 16, 2019, create important and urgently needed opportunities for the retail sector to respond to a dramatically changing retail landscape. In Toronto in particular, there is an urgent need to reduce the overall retail and commercial footprint, including large format retail and surface parking areas, in order to provide for the intensification of under-utilized land. The retail sector is uniquely positioned to assist the Province with the goal of providing more homes and more choices and build compact and complete communities that are well served by transit and surrounded by mixed use development.

We would strongly recommend that the policies of OPA 231 and in particular those policies related to the conversion of land outside of a municipal comprehensive review be subject to conformity with this government's changes to the Growth Plan and in particular Growth Plan policy 2.2.5.10. By excluding opportunities for employment land conversions outside of a municipal comprehensive review, the Province will stifle a substantial number of redevelopment opportunities in the City, where the housing supply and affordability crisis is at worst.

RioCan has a number of sites presently utilized for large format retail and commercial purposes that have significant development and intensification opportunities. For example, the sites owned by RioCan set out in Schedule "A" are currently in various stages of redevelopment planning. Certain of these sites are constrained due to their historical employment area land use designation but are centrally located, well served by transit, and immediately adjacent to mixed use areas. Our client's efforts to redevelop a number of these sites has been effectively frozen for many years as a result of the municipal comprehensive review requirements and the ongoing OPA 231 appeals.

For example, Riocan's 14.5 acre site at Queensway and Islington that contains a cinema building along with a very large parking area, is adjacent to and in close proximity to mixed use and high density residential development but is currently constrained by a redundant and inappropriate employment area designation. RioCan has been seeking the conversion of this property for more than 5 years now but has been delayed due to the municipal comprehensive review requirement, with no end to the process in sight. This example is but one illustration of the obstacles that a municipal comprehensive process has on realizing excellent housing development opportunities. We note that the Province has included this property as part of the PSEZ #13. We continue to request the Province to remove this site from the PSEZ #13 as per [our submission dated February 6, 2019](#).

We would also be prepared to support, as an alternative, an exception to the transition regulation protecting the ability of retail sites to seek a conversion outside of a municipal comprehensive review notwithstanding any policy in OPA 231 to the contrary. For the purposes of the conversion policies in the 2006 Growth Plan, major retail is considered a non-employment use in any event.

At present, the OPA 231 policies related to employment land conversions have not yet been considered by the LPAT and witness statements have not been exchanged. As these matters have yet to be litigated, and witness statements have not been exchanged, there is no material

prejudice to the parties involved. Any modest procedural issues are too insignificant to interfere with implementation of the critically important and necessary provincial land use planning policy changes implemented through the Growth Plan 2019.

We think it would be a very significant mistake for the Province to allow the City of Toronto to establish a planning policy in OPA 231 prohibiting all employment land conversions outside of an MCR. For the government to allow such a policy to apply in Toronto would wholly undermine the Province's important objectives to increase the supply of housing and making housing more affordable.

We would be happy to discuss this submission with you at your earliest convenience, or provide any further or additional information that you might request.

Yours truly,

FOGLER, RUBINOFF LLP

"Joel D. Farber"

Joel D. Farber*

*Services provided through a professional corporation

JDF

cc: *RioCan REIT*

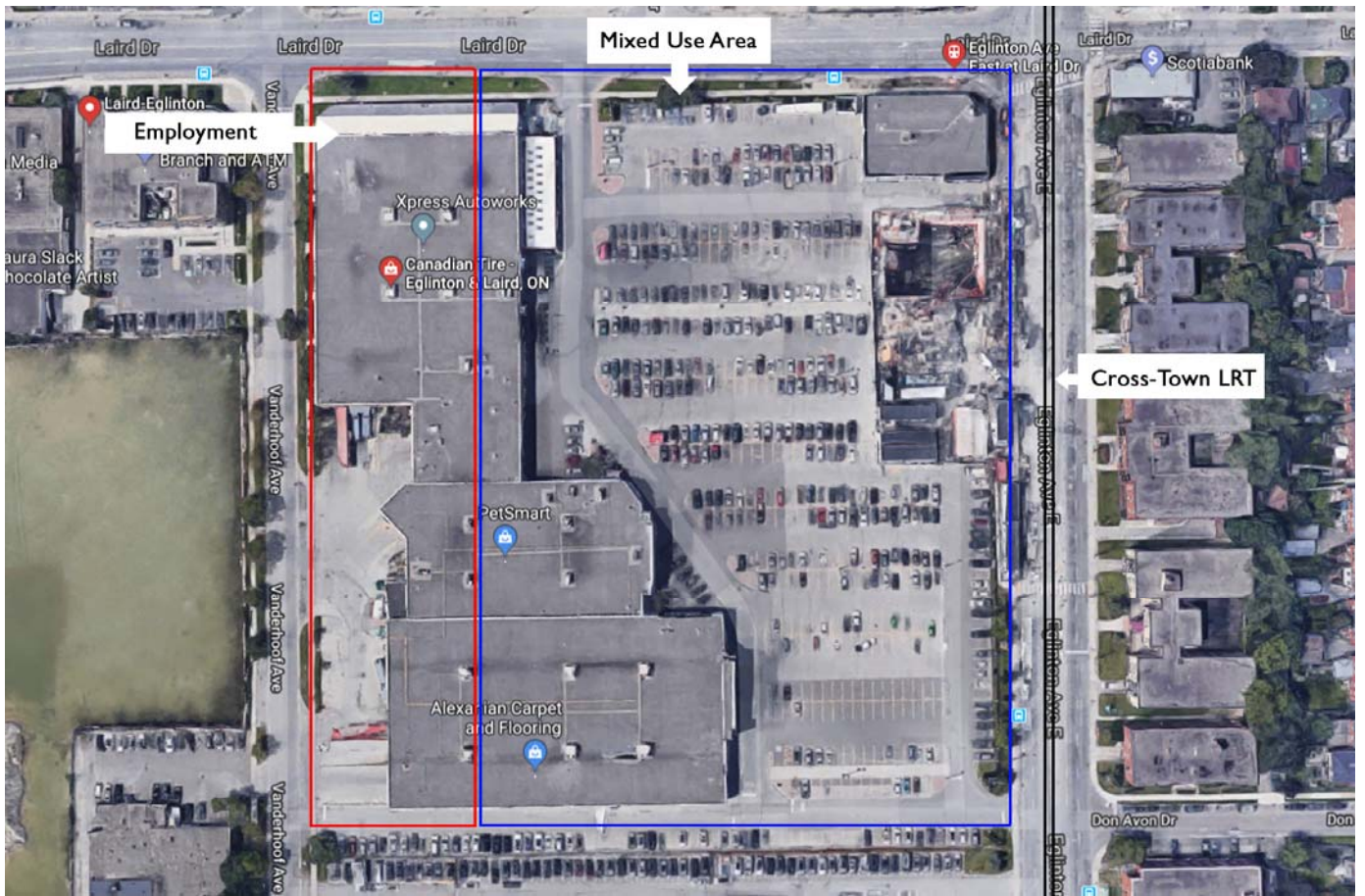
Andrew Biggart, *Ritchie Ketcheson Hart & Biggart LLP*, Lawyers for the City of Toronto on OPA 231

SCHEDULE "A"

RioCan Queensway



RioCan Leaside



RioCan Stockyards



RioCan Kennedy Commons

