

5 May 2023

Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario M7A 2J3

Dear Sirs/Mesdames:

RE: ERO Item 019-6821
Proposed Planning Act, City of Toronto Act, 2006, and Ministry
of Municipal Affairs and Housing Act Changes (Schedules 2, 4,
and 6 of Bill 97 - The Proposed Helping Homebuyers,
Protecting Tenants Act, 2023)
Mother Parker's Tea & Coffee Inc.
Comment Submission
Our File: 17.630

We are the planning consultants for Mother Parker's Tea & Coffee Inc. ("Mother Parkers") the owner of 2530 and 2531 Stanfield Road and the occupant of 2470 Stanfield Road (the "Subject Properties"), at which it manufactures tea and coffee products. Mother Parkers uses the services and premises of numerous businesses located within the same existing *Employment Area*. Its finished products and raw materials are further warehoused in various properties throughout that *Employment Area*.

The purpose of this letter is to recommend that the Minister of Municipal Affairs and Housing consider modifications to the proposed legislation contained in *Bill 97, the Helping Home Buyers, Protecting Tenants Act, 2023* with respect to the proposed approach in defining "areas of employment" and the associated transition clause, as discussed herein.

Mother Parkers is a local business that employs between 800 and 900 employees. The vast majority of those employees work in Mississauga and Mother Parkers' operations support many other businesses and suppliers located within the *Dixie Employment Area*. The Mississauga Official Plan is structured by providing higher-level policies for the entire *Employment Area* designation, in addition to providing specific land use designations for the properties located within the *Employment Area*. The Subject Properties are designated within the *Dixie Employment Area* and are specifically designated *Business Employment* (as identified on Schedule 10 – Land Use Designations of the Mississauga Official Plan).

The *Dixie Employment Area* includes a collection of properties located along the south side of Dundas Street East, located between Haines Road to the west and Ernest Blundell Drive, which are designated *Mixed Use* as per the Mississauga Official Plan, which explicitly do not permit residential uses (the “Mixed Use Lands”). Presently, Mother Parkers only needs to concern itself with meeting Provincial compatibility standards as they affect residential uses located on the north side of the Dundas Street corridor. Please refer to **Figure 1** for an aerial image of the Subject Properties and the Mixed Use Lands.

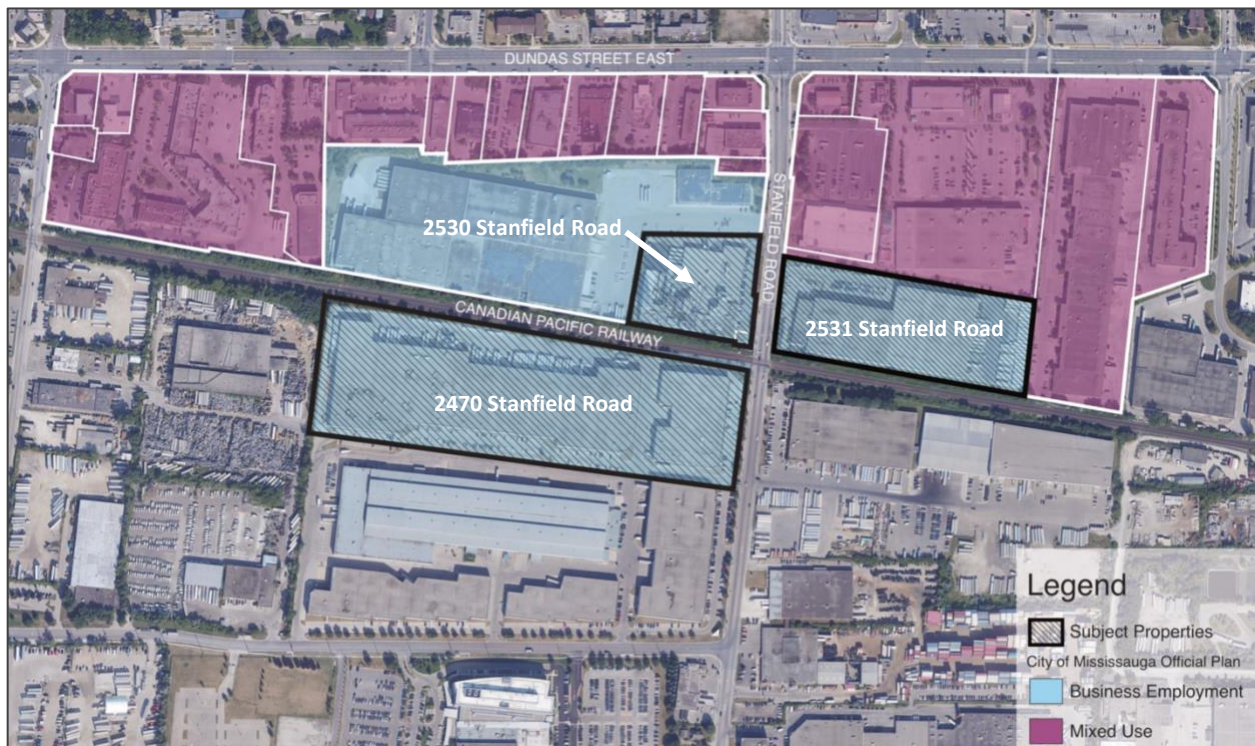


Figure 1 – Aerial image of the Subject Properties at 2470, 2530 and 2531 Stanfield Road and the Mixed Use Lands

On 6 April 2023 the Province of Ontario released the proposed *Bill 97, The Helping Home Buyers, Protecting Tenants Act, 2023* (“Bill 97”) and a new proposed planning document known as the Provincial Planning Statement (2023) (the “Proposed PPS”), both of which are posted for comment on the Environmental Registry of Ontario. Bill 97 and the Proposed PPS advance several proposed changes to Ontario’s land use planning framework.

Specifically, Bill 97 provides changes to the definition of “area of employment” in Subsection 1(1) of the *Planning Act, R.S.O. 1990, c. P.13*, to only include heavy industry and other employment uses that cannot be located near sensitive uses, while prohibiting institutional and commercial uses which are not ancillary to a primary employment use:

“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; (“zone d’emploi”)*

Section 1 of the *Planning Act* further is proposed to contain a transition clause that enables lands which do not meet the new definition of an “area of employment” to remain within an existing *Employment Area* if such uses are authorized by a municipality’s Official Plan and are lawfully established prior to the enactment of Bill 97:

“(1.1) An area of land designated in an official plan for clusters of business and economic uses is an “area of employment” for the purposes of this Act even if the area of land includes one or more parcels of land whose use is excluded from being a business and economic use under paragraph 2 of the definition of “area of employment” in subsection (1) provided that the following conditions are satisfied:

1. *The parcels of land in question are subject to official plan policies authorizing the continuation of the use.*
2. *The use was lawfully established on the parcel of land before the day subsection 1 (1) of Schedule 6 to the Helping Homebuyers, Protecting Tenants Act, 2023 came into force.”*

Based on the emerging direction in Bill 97, the current commercial uses on the Mixed Use Lands that are located along the southern edge of the Dundas Street Corridor and currently belong to the *Dixie Employment Area*, would have the possibility of being removed from the *Employment Area* designation and be susceptible to development containing residential (sensitive) land uses.

Currently, Mother Parkers only needs to concern itself with meeting Provincial compatibility standards as they affect residential uses on the north side of Dundas Street East, which are over 210 metres away. Mother Parkers' current operations are carefully designed to limit noise on those residential properties north of Dundas Street East, with the majority of its noise impacts affecting lands which are not currently residential and are located within the *Dixie Employment Area*. The Mixed Use Lands presently function as a transition and buffer between the Subject Properties and the residential uses located on the north side of the Dundas Street corridor.

If the Mixed Use Lands adjacent to Mother Parkers were to be removed from the *Employment Area*, almost two-thirds of that distance is eliminated, with the closest lands permitting residential (sensitive) uses being only 75-80 metres away. That is a dramatic reduction in the distance over which noise and odour can dissipate. The introduction of sensitive land uses along the Dundas Street corridor will adversely impact Mother Parkers' operations, including its expansion and process change options, as Mother Parkers is required to meet the Provincial standards under all relevant compatibility guidelines, including the Ministry of Environment, Conservation and Parks (MECP) Publication NPC-300. Should new residential development restrict Mother Parkers' facilities to its current methods and volumes of operation, Mother Parkers may fall behind the rest of the industry and may need to abandon its Mississauga facilities.

The Provincial emphasis on creating jobs in manufacturing is clearly applicable to Mother Parkers' operations in Mississauga. It was the recent recipient of a \$5 million investment from the Ontario government's Ministry of Economic Development and Trade through the Advanced Manufacturing and Innovation Competitiveness program. The investment is supporting Mother Parkers' latest expansion into cold coffee and tea extracts. The provincial government's support was based on a \$33.4 million investment by Mother Parkers to boost local manufacturing and create new jobs. Those jobs, Mother Parkers' investment and the Province's investment are thus at stake.

We believe that the 'blanket' removal of commercial uses from *Employment Areas* should not be wholly incorporated on a Province-wide basis without the necessary provisions to provide appropriate regard for unique site and area-specific conditions where conflicts in land use compatibility may arise. This should involve maintaining an appropriate interface between sensitive land uses and existing industrial operations, without risking the long-term function and stability of industries, including their ability to expand and adapt to meet changing market demands, such as in the case with Mother Parkers.

We respectfully request that Bill 97 establishes both compatibility assessment criteria, and a clear indication and recognition that the continued viability of the adjacent *Dixie Employment Area* lands is of critical interest to the Province and must be preserved, including Mother Parkers' facilities. In particular, legislation indicating that new processes and continued expansion of the manufacturing activities must be protected are vital. The legislative framework should further consider requiring the continuation of

commercial uses in *Employment Areas* for where they serve the purpose of a transition or buffer between industrial uses and sensitive land uses, which is in-line with the intent to protect the continued long-term function and stability of industries in *Employment Areas*.

Moreover, we request that clarity be provided with respect to Bill 97's transition clause to provide greater certainty in the uses which are permitted within *Employment Areas*, as the proposed legislation appears to contradict with the direction of the Proposed PPS with respect to the prohibition of commercial uses from *Employment Areas*. We request that clarity be provided on the applicability of the transitional clause, including its correlation with the Proposed PPS, to avoid discrepancies in its interpretation and application by municipalities.

We would be pleased to address further comments or questions should they arise upon review of this comment submission and prior to any Decision on Bill 97.

Yours very truly,

WND associates
planning + urban design



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Principal