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Ministry of Municipal Affairs and Housing  
777 Bay Street, 13<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Attention: Provincial Land Use Plans Branch

Dear Minister Clark:

**Re: Consultation: Review of Proposed Policies adapted from A Place to Grow and Provincial Policy Statement to Form a New Provincial Planning Policy Instrument  
Request for Modifications submitted by PT Studios Inc.  
ERO # 019-6813**

We are legal counsel to PT Studios Inc. (o/a Pinewood Toronto Studios) (“**Pinewood**”), the long-term lessee of the properties municipally known as 101 and 225 Commissioners Street and 1-17 Basin Street, in the City of Toronto (the “**Subject Property**” or “**Site**”). Pinewood has been an anchor tenant of the Port Lands for many years, and has long-term plans to redevelop the Subject Property in accordance with the Central Waterfront Secondary Plan, as amended by modifications supported by the City of Toronto (“**City**”) that was recently approved by the Ontario Land Tribunal.

On behalf of our client, we have reviewed the Proposed Planning Statement 2023 (“**PPS**”) and have the following concerns on the impacts the proposed changes will have on the film and media production industry.

### **Background of the Subject Property**

Film production is an important and fast-growing industry in Ontario. In 2022, the film industry contributed roughly \$3.15 billion to the economy while helping to create more than 45,000 jobs.<sup>1</sup>

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<sup>1</sup> Sara Jabakhanji, “Ontario reaches record-high levels of film, TV production in 2022”, *CBC* (March 25, 2023), online: <https://www.cbc.ca/news/canada/toronto/ontario-film-tv-production-levels-record-high-1.6788133>.

Pinewood operates the largest film and purpose-built sound stages in Ontario on the Subject Property and is planning to further develop the Site to enhance their media production capabilities.

To support the media production that occurs and is anticipated to occur on the Subject Property, Pinewood and the City established a number of development permissions in the Central Waterfront Secondary Plan for associated commercial (e.g., retail and service) and institutional uses on the Site, also known as the Media City District. This includes permissions for accessory child care, post-secondary education, hotel and entertainment uses. This range of employment-supportive uses was approved by the Ontario Land Tribunal in 2021 and 2022 as part of the Central Waterfront Secondary Plan appeals, following substantial settlement efforts by Pinewood, the City, and other parties. The enhanced permissions will permit Pinewood to develop the Subject Property into a competitive and world-class media production studio.

While Pinewood supports updating the PPS to reflect current provincial priorities, it is particularly concerned that the draft Employment Area policies are overly restrictive and will lead to the decline of the film industry in Ontario.

### **Comments on the PPS**

Pinewood's concerns stem from the more restrictive definition of Employment Areas in the PPS. Film studios are a specialized industry and benefit from a number of key land use considerations including: the ability to cluster with other film studios and media-related uses, proximity to major population centers to access a large employee pool and diversity of filming locations, and the ability to maintain and secure expansions to large studio properties without competing with lands that may be subject to other development pressures.

The revised PPS risks making the film industry in Ontario less competitive by creating an environment where film studios must compete with other more lucrative land uses for sites. The film industry is highly global in nature and can choose to relocate their film productions to other jurisdictions that are supportive of the land use considerations that make a studio facility and location viable and attractive. In addition, in order to be considered viable and attractive in the global market for film production locations, film studio operators seek to locate their operations and facilities in jurisdictions that best meet, and are supportive of, their land use planning needs.

Pinewood's concerns are also nuanced given that the Subject Property is located within the Port Lands, an area in Toronto that is planned for significant urban renewal in the coming years. The Don River naturalization and flood protection project entails major infrastructure investment that will support a thriving, mixed-use environment where industries, homes, shops, and services will all co-exist. The Subject Property is part of an area that is intended to grow as a modern, urban district with a mix of film, television, digital media production, creative and supportive uses, some of which are not recognized by the proposed treatment of Employment Areas in the revised PPS.

In addition, there are a number of sensitive uses permitted on the Subject Property and within its immediate context. These include a daycare and post-secondary school on the Subject Property as well as residential uses directly north of the Site. Compatibility and mitigation studies were completed during the planning process for these lands, through which it was determined that Pinewood's operations do not have impacts on these uses and are in fact compatible with them. This makes them somewhat unique from other Employment Areas.

## **Requested Recommendations**

Pinewood requests that the Minister make modifications to the Employment Area section of the proposed PPS, as provided in **Attachment 1** to this letter. A number of the modifications are similar to those proposed by the City of Toronto, which were advanced to address concerns raised by the City's Film Commissioner and Director of Entertainment Industries.

The requested modifications to the PPS fall into two broad categories:

1. **Revisions to the definition of "Employment Area" to recognize film and media production and associated uses:** Pinewood requests that the Minister revise the definition of Employment Area to explicitly include film and media production, stand-alone and associated office, convenience retail and service uses. This would allow Pinewood and the film industry to continue to access employment lands and benefit from their inherent protections. It would also facilitate the clustering of studios and their placement within new major population centers and filming locations. Furthermore, allowing film studios to be located on employment lands would help alleviate development pressures to convert the lands to more expensive uses.
2. **Revisions to "Employment" policies to promote and protect film and media production and associated uses in Employment Areas:** Pinewood similarly seeks modifications to the PPS that would seek to prohibit uses on lands in proximity to Employment Areas that would have adverse impacts on uses permitted within Employment Areas. These requested modifications would allow Pinewood to maintain their permitted uses on the Subject lands and to continue to be a key player in the future revitalization of the Port Lands into a comprehensive mixed-use community.

We would like to thank the Ministry for considering our amendments to the proposed PPS to ensure that the film and media production industry can continue to flourish in Ontario. Kindly ensure that the undersigned is notified of the Minister's decision once it is available.

Yours very truly,  
**BORDEN LADNER GERVAIS LLP**



Isaac Tang

Cc: Client

Encls: **Attachment 1 – Pinewood requested Amendments to the Proposed Provincial Planning Statement**

# Attachment 1 – Pinewood requested Amendments to the Proposed Provincial Planning Statement

## 2.8 Employment

### 2.8.1 Supporting a Modern Economy

1. Planning authorities shall promote economic development and competitiveness by:
  - a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
  - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
  - c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, seeking to address potential barriers to investment; and
  - d) encouraging *intensification* of employment uses and compact, mixed-use development that incorporates compatible employment uses such as office, retail, industrial, manufacturing and warehousing, to support the achievement *complete communities*; and
  - e) ensuring the necessary infrastructure is provided to support current and projected needs.
2. Industrial, film and media production, 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*; by prohibiting residential uses in appropriate locations.
3. On lands for employment outside of *employment areas*, and taking into account the transition of uses to prevent *adverse effects*, a diverse mix of land uses, including residential, employment, retail and service, *public service facilities* and other institutional uses shall be permitted to support the achievement of *complete communities*. On lands for employment outside of employment areas, uses that would have adverse effects if located in proximity to employment areas or major facilities shall be prohibited.
4. Official plans and zoning by-laws shall not contain provisions that are more restrictive than policy 2.8.1.3 except for purposes of public health and safety; or where a development would have adverse effects if located in proximity to an employment area or major facility.
5. Major office and major institutional development should be directed to *major transit station areas* or other *strategic growth areas* where *frequent transit* service is available.

### 2.8.2 Employment Areas

1. Planning authorities shall plan for, protect and preserve *employment areas*:
  - a) for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs; and
  - b) that are located in proximity to *major goods movement facilities and corridors*, including facilities and corridors identified in provincial transportation plans, for the *employment area* uses that require those locations.
2. Planning authorities shall designate, protect and plan for all *employment areas* in *settlement areas* by:
  - a) planning for *employment area* uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing, ~~and~~ goods movement, film and media production, stand-alone and associated office, convenience retail and service uses, associated retail and office uses, and ancillary facilities;
  - b) prohibiting residential uses, commercial uses, *public service facilities* and other institutional uses which are not ancillary to and associated with employment area uses;
  - ~~c) prohibiting retail and office uses that are not associated with the primary employment use;~~
  - d) prohibiting other *sensitive land uses* that are not ancillary to the primary employment use; and
  - e) including an appropriate transition to adjacent non-*employment areas* to ensure land use compatibility and to maintain the long-term operational and economic viability of the planned uses and function of these areas.
3. At the time of the official plan review or update, 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*.
4. Planning authorities may remove lands from *employment areas* at the time of the official plan review or update only where it has been demonstrated that:
  - a) there is an identified need for the removal and the land is not required for *employment area* uses over the long term;
  - b) the proposed uses would not negatively impact the overall viability of the *employment area* by:
    - i. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned *employment area* uses in accordance with policy 3.5; and
    - ii. maintaining access to *major goods movement facilities and corridors*;
  - c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses.

## **7: Definitions**

**Employment area:** means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, film and media production, stand-alone and associated office, convenience retail and service uses, associated retail and office, and ancillary facilities. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with or ancillary to the primary employment use listed above.