

City of Toronto Employment Lands Review: To Convert or Not to Convert

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A key piece of the City of Toronto's current review of its Official Plan concerns the City's Employment Areas policies. This is particularly important, as an owner or developer who wants to convert employment lands to another use must, under both provincial and City policies, do so in the context of a Municipal Comprehensive Review.

The City commissioned a group of outside consultants to carry out a comprehensive study of employment uses. That study determined that the City should see a large growth in both retail and office space and a more modest growth in industrial uses. This growth however must be accommodated on a finite land base. Practically speaking, this means that there are limited opportunities for conversion.

City Planning staff have, on the basis of the study, proposed a policy direction that includes:

- preserving "core" lands for industrial uses, principally by protecting such uses against incompatible (sensitive) or competing uses;
- differentiating between Employment Areas to permit, for example, commercial, retail and major retail uses in some of these areas; and
- promoting office uses in downtown areas and along intensification and transit corridors and examining the ratio of employment to residential uses in mixed use areas to allow for the intensification of office uses.

Employment Areas are proposed to be designated as one of: Core Employment Areas, General Employment Areas, Retail Employment Areas or Large-Scale Stand Alone Retail Stores, Power Centres and Employment Areas.

As the Official Plan review is a Municipal Comprehensive Review, City staff are facing a deluge of conversion applications and requests. Should owners and developers not submit such applications prior to the adoption of the proposed Employment Area policies, they will face a difficult time getting the City to process such applications. Indeed, City Council recently refused a conversion proposal in the City's west end and subsequently took the position that the refusal

could not be appealed to the OMB. The only appeal route according to City staff is through the current Municipal Comprehensive Review. This matter of interpretation will now go to the Ontario Municipal Board for a ruling.

This is a complicated and evolving area of planning law. If you are a land owner or developer, we strongly recommend that you review, as soon as possible, the City's current mapping of the proposed Employment Areas to understand if and/or how your lands are affected. It is possible that you may receive additional permissions; it is also possible that your plans for development may be further constrained under the proposed new regime, particularly if your lands are designated as mixed use. Finally, if you are interested in converting your lands to another use this is the time to act.

We would be pleased to assist you with such a review and submission.