

**City-initiated Official Plan Amendment 1994073  
Deletion of East Metro Transportation Corridor  
Modifications to Scarborough Official Plan Amendment 722  
Malvern, Rouge and Upper Rouge Communities  
and Rouge Employment District  
(Ward 18 - Scarborough Malvern)**

*(City Council on May 9, 10 and 11, 2000, adopted this Clause, without amendment.)*

The Scarborough Community Council, based on the finding of fact, conclusions and recommendations contained in the report, dated November 12, 1999, from the Director of Community Planning, East District, recommends that the report of the Director of Community Planning, East District, be adopted, subject to deleting Recommendations (1) (c) and (d) embodied therein and inserting in lieu thereof, the following:

“(c) amend the Malvern Community Secondary Plan by:

- (i) redesignating the Milne House property and the lands designated as EMCT as Regional Natural Environment and transferring them to the Upper Rouge Community;
- (ii) deleting Neighbourhood No. 3 Policy 14.1 and renumbering the remainder of Policy 14;
- (iii) replacing Numbered Policy 6 with the following:

‘6. South Side of Old Finch Avenue, west of Sewells Road and east of the former EMTC

Low Density Residential uses may be developed on these lands unless the privately-owned property is acquired for Rouge Park, in which case a Regional Natural Environment designation will apply and the lands will be incorporated into the Upper Rouge Community without further amendment to this plan.’;

- (iv) deleting the Special Uses Area designation west of Sewells Road, the Temporary Connection designation for Old Finch Avenue, and the Neighbourhood Park designation within the former EMTC;

(d) amend the Upper Rouge Community Secondary Plan by incorporating the lands referenced in Clause 1(c) (i) above;”

so that the Recommendations shall now read, as follows:

**It is recommended that City Council:**

**(1) Official Plan:**

- (a) amend the Rouge Employment District Secondary Plan by deleting the words “in view of special Provincial transportation proposals” from Policy 4.47.2.4;**
- (b) amend the Rouge Community Secondary Plan by deleting all references to the EMTC and replacing Numbered Policy 2 with the following:**

**“2. North Side of Highway 401, East of Conlins Road**

**If the subject lands are not required for transportation purposes in the future, the land may be used for Low Density Residential purposes without further amendment to this plan.”;**

- (c) amend the Malvern Community Secondary Plan by:**
  - (i) redesignating the Milne House property and the lands designated as EMCT as Regional Natural Environment and transferring them to the Upper Rouge Community;**
  - (ii) deleting Neighbourhood No. 3 Policy 14.1 and renumbering the remainder of Policy 14;**
  - (iii) replacing Numbered Policy 6 with the following:**

**“6. South Side of Old Finch Avenue, west of Sewells Road and east of the former EMTC**

**Low Density Residential uses may be developed on these lands unless the privately-owned property is acquired for Rouge Park, in which case a Regional Natural Environment designation will apply and the lands will be incorporated into the Upper Rouge Community without further amendment to this plan.”;**

- (iv) deleting the Special Uses Area designation west of Sewells Road, the Temporary Connection designation for Old Finch Avenue, and the Neighbourhood Park designation within the former EMTC;**
- (d) amend the Upper Rouge Community Secondary Plan by incorporating the lands referenced in Clause 1(c) (i) above;**

- (2) **authorize such unsubstantive technical, stylistic or format changes to the Official Plan as may be necessary to give effect to this resolution; and**
- (3) **request the Ministry of Municipal Affairs and Housing to now repeal the Minister's Zoning Order 20/74 as it applies to lands within the City of Toronto.**

Recorded Votes:

Upon a motion by Councillor Cho to defer the aforementioned report to the next meeting of the Community Council scheduled to be held on May 23, 2000:

Yeas: Councillors Cho, Moeser -2

Nays: Councillors Altobello, Ashton, Balkissoon, Berardinetti, Duguid, Kelly, Shaw, Soknacki, Tzekas -9

Upon a motion by Councillor Moeser that the EMTC lands be designated "Regional Natural Environment":

Yeas: Councillors Cho, Moeser -2

Nays: Councillors Altobello, Ashton, Balkissoon, Berardinetti, Duguid, Kelly, Shaw, Soknacki, Tzekas -9

Upon a motion by Councillor Balkissoon to recommend adoption of the report, subject to the amendment described herein:

Yeas: Councillors Altobello, Ashton, Balkissoon, Berardinetti, Duguid, Kelly, Shaw, Soknacki, Tzekas -9

Nays: Councillors Cho, Moeser -2

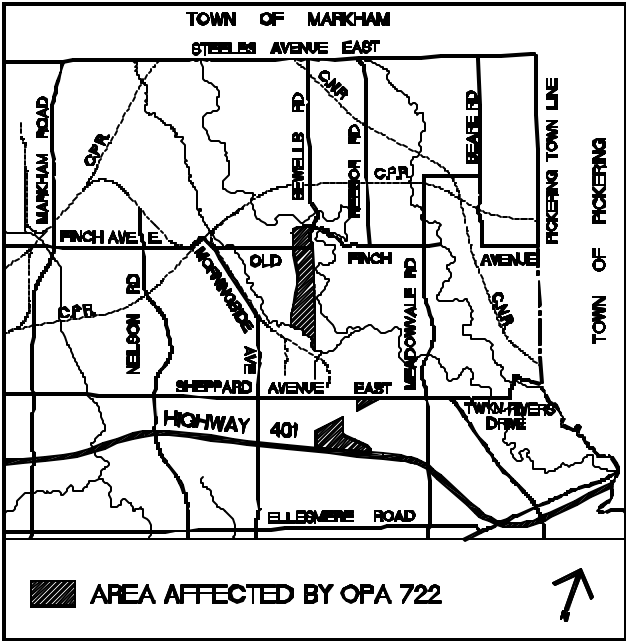
The Scarborough Community Council reports having held a statutory public meeting on May 2, 2000, in accordance with Section 17 and Section 34 of the Planning Act and the regulations thereunder.

**The Scarborough Community Council submits the following report (November 12, 2000) from the Director of Community Planning, East District:**

Purpose:

To implement Council’s decision of July 6, 7 and 8, 1999, with regard to Scarborough Official Plan Amendment (OPA) 722 which deleted references to the East Metro Transportation Corridor (EMTC), by adopting modifications to OPA 722. The changes will introduce a Regional Natural Environment designation in the east part of Malvern in place of the originally proposed Low Density Residential use, and make small alterations to other policies included in OPA 722.

Figure 1 illustrates the areas affected by the application. The Malvern parcel lies north and south of Finch Avenue and Sewells Road, the Sheppard site is on the south side of Sheppard Avenue west of Meadowvale Road, and the Conlins site is on the north side of Highway 401, all shown in dark shading.



Financial Implications and Impact Statement:

None at this time.

Recommendations:

It is recommended that City Council:

- (1) Official Plan:
  - (a) amend the Rouge Employment District Secondary Plan by deleting the words “in view of special Provincial transportation proposals” from Policy 4.47.2.4;
  - (b) amend the Rouge Community Secondary Plan by deleting all references to the EMTC and replacing Numbered Policy 2 with the following:
    - “2. North Side of Highway 401, East of Conlins Road
    - If the subject lands are not required for transportation purposes in the future, the land may be used for Low Density Residential purposes without further amendment to this plan.”;
  - (c) amend the Malvern Community Secondary Plan by:
    - (i) redesignating the Milne House property and the lands designated as EMTC, save and except for the portion referenced in Clause 1.3.(c)(iii)

affected by Numbered Policy 6, as Regional Natural Environment and transferring them to the Upper Rouge Community;

(ii) deleting Neighbourhood No. 3 Policy 14.1 and renumbering the remainder of Policy 14;

(iii) replacing Numbered Policy 6 with the following:

“6. South Side of Old Finch Avenue, west of Sewells Road and east of the former EMTC

Low Density Residential uses are permitted on these lands unless the privately-owned property is acquired for Rouge Park, in which case a Regional Natural Environment designation will apply and the lands will be incorporated into the Upper Rouge Community without further amendment to this plan.”;

(iv) deleting the Special Uses Area designation west of Sewells Road, the Temporary Connection designation for Old Finch Avenue, and the Neighbourhood Park designation within the former EMTC;

(d) amend the Upper Rouge Community Secondary Plan by incorporating the lands referenced in Clause 1(c) above;

(2) authorize such unsubstantive technical, stylistic or format changes to the Official Plan as may be necessary to give effect to this resolution; and

(3) request the Ministry of Municipal Affairs and Housing to now repeal Minister’s Zoning Order 20/74 as it applies to lands within the City of Toronto.

Background:

On August 24, 1988, Scarborough Council adopted OPA 721 which sought to create the Upper Rouge Secondary Plan with associated policies and land use designations. Most of the land was to be designated Regional Natural Environment. At the same meeting, OPA 722 was also adopted which would have deleted all references to the EMTC from the relevant Secondary Plans.

OPA 721 was referred to the Ontario Municipal Board (OMB) by several development companies with land holdings within the affected area, and by Durham Region. OPA 722 was referred to the OMB by Durham Region and more recently by York Region as well.

The OMB hearing into the appeals of OPA 721 was completed in 1995, and the implementing zoning bylaw was then enacted and approved. The only outstanding matter on this file is the repeal of Minister’s Zoning Order 20/74, which is no longer needed. The necessary Cabinet decision has been pending now for several years, and it is timely to request that a decision be rendered.

The OMB began dealing with the appeals of OPA 722 in the fall of 1998, and several pre-hearing conferences have been held to date. The next one is set for February 2, 2000. As well, there have been meetings of the parties in an effort to resolve the issues, and the Board has instructed that these meetings continue.

At the second pre-hearing, the Ministry of Municipal Affairs and Housing, *on behalf of all Provincial interests*, submitted a letter to the City of Toronto offering a new position. The Ministry wishes to continue to protect its site at Highway 401 and Conlins Road for transportation uses related to a possible connection of Morningside Avenue to Highway 401, but is prepared to accept the deletion of the EMTC notation. It has no further interest in the site south of Sheppard Avenue and west of Dean Park Road. For the Malvern parcel included in OPA 722, the Ministry will accept the deletion of the EMTC notation in return for both:

1. a Regional Natural Environment designation rather than a Low Density Residential designation, which is consistent with Rouge Park; and
2. the retention of transportation uses on the Conlins parcel.

This position was confirmed at the third pre-hearing conference on October 22, 1999 as indicated in the attached letter dated October 21, 1999 (Attachment 1).

At its meeting of June 6, 7, and 8, 1999, Council considered a report setting out the lengthy history of this issue, the planning context, and the issues to be considered. Council agreed to accept the offer to settle from the Province, by making some modifications to the original OPA 722. The key change would place a Regional Natural Environment designation on the Ministry of Transportation lands in the former EMTC in the east Malvern area, instead of the originally contemplated Low Density Residential use.

The City Solicitor advises that due to both the passage of time since the original amendment was adopted, and the change in land use being proposed in Malvern, a new Public Meeting under the Planning Act should be held.

#### Comments:

The Province continues to support its 1990 policy of no new roads through Rouge Park south of Steeles Avenue. Consequently, the reservation of the EMTC for transportation purposes within Rouge Park conflicts with that policy, and the designation within Malvern can be removed. However, until the necessary Environmental Assessment studies have been completed, the Province wishes to keep an option open on the Conlins parcel through a reference to transportation purposes in the Official Plan designations.

Figure 2 illustrates land ownership in the area. Given that the EMTC in Malvern is Provincially-owned and lies within the Rouge Park boundary as identified in the Rouge Park Management Plan, and that Council has agreed to the Province's suggestion of a Regional Natural Environment designation for this parcel, it would be logical to transfer the lands to the

Upper Rouge Community Secondary Plan, which covers much of the balance of the park and contains the necessary definitions for that designation

The adjoining parcel on the north side of Finch Avenue and west of Sewells Road contains the Milne House, an historical site, and has recently been acquired for Rouge Park. This parcel also can logically be moved into the Upper Rouge.

A more difficult decision arises for the Anndale lands which are south of Finch Avenue and immediately east of the EMTC. Anndale's property is 'sandwiched' within Rouge Park, and any development on the tableland fronting on Finch Avenue would be isolated and not possible to assimilate into the rest of the Malvern community fabric to the west. Anndale has expressed an interest in a land exchange with the Province for part of the EMTC corridor contiguous to existing development, with a Low Density Residential designation in place, so that the park would enjoy a contiguous expansion and the new development could become part of the Malvern Community. City and Rouge Alliance staff support this planning rationale.

A further question concerns the availability of other Provincial land which could be offered up for exchange. The exact location of a suitable parcel for exchange has yet to be decided from among the options available, and the involvement of Rouge Alliance staff is necessary. Alternatively, the Anndale lands could be offered for sale. The recent purchase of the Glen Eagles site on the edge of Rouge Park further south has been cited as a precedent.

Consequently, the proposed Amendment would now decide the final designation of these lands following the resolution of ownership matters, but not require a further amendment to remove the proposed numbered policy 6 in the Malvern Secondary Plan. Anndale is expected to file a development application with the City prior to the next pre-hearing conference.

McAsphalt has submitted an application for residential uses on its industrially-designated lands further south, which is being processed. There is likely to be a request for this application to also be consolidated with the OMB hearing on OPA 722, since it would be impacted by Provincial and Regional ambitions for a new road linking Morningside Avenue to Highway 401 east of Conlins Road. However, staff do not support such a consolidation.

#### Conclusions:

In its letter of October 21, 1999, the Province has agreed to the removal of the EMTC designation contemplated by OPA 722, with the designation of the Malvern parcel for park uses, and of the Conlins parcel for low density residential uses if not required for transportation uses. Pending a resolution of a possible Morningside Avenue extension, it is appropriate to continue to protect the Conlins parcel for transportation uses. While most of the EMTC in Malvern can now become part of the Upper Rouge Community under a Regional Natural Environment designation, it is premature to remove the potential for residential development on the Anndale lands and the abutting portion of the EMTC fronting on Finch Avenue until ownership issues can be resolved.

It is in the public interest to achieve the resolution of issues which can be agreed upon, in order to minimise, or even avoid altogether, the costs of a full OMB hearing next Spring. Adoption of the proposed Amendment will assist in achieving this goal.

Contact:

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Extracts from Existing Official Plan Policies affected by OPA 722

Malvern Community

4.19.2. General Policies

14. Neighbourhood No. 3 Policies

1 E.M.T.C.

If the East Metro Transportation Corridor is not required for transportation purposes in the future, it may be used for Low Density Residential purposes, without further amendment to this Plan.

If the East Metro Transportation Corridor is used for transportation purposes, noise control measures and/or structures to achieve noise attenuation shall be provided by the Ministry of Transportation and Communications within the corridor and along its whole length through this neighbourhood. Any new development within the noise-affected area should be designed in accordance with the Ministry of the Environment's Noise Guidelines.

4.19.3 Numbered Policies

6. East of the E.M.T.C.

Notwithstanding the Special Uses Area designation, this area may develop for Low Density Residential uses if the E.M.T.C. is not required.

## Rouge Community

### 4.26.3 Numbered Policies

#### 2. East Metro Transportation Corridor

If the East Metro Transportation Corridor is not required for transportation purposes in the future, the land may be used for Low Density Residential purposes without further amendment to this plan.

## Rouge Employment District

### 4.47.2 General Policies

4. Land Use To Be Determined is an area which, in view of special Provincial Transportation Proposals, requires further studies and reviews before land use can be determined.

**The Scarborough Community Council submits the following report (November 26, 1999) from the Director of Community Planning, East District:**

#### Purpose:

To advise Council of the concerns of the Ministry of Municipal Affairs with respect to the proposed City-initiated Official Plan amendments for the East Metro Transportation Corridor (EMTC).

#### Financial Implications and Impact Statement :

None at this time.

#### Recommendations :

For the information of Council.

#### Background :

As a result of the circulation of notice for the above-noted amendments, the Ministry of Municipal Affairs has advised that it is, in view of the Ministry, essential that all the lands designated EMTC in the Malvern Community Secondary Plan be redesignated Regional Natural Environment. No part of the EMTC corridor should retain the present underlying Low Density Residential designation.

If the City's proposed modifications to Official Plan Amendment 722, as set out in the report of November 12, 1999, are modified to reflect this, then the Province will support the City's position at the forthcoming Ontario Municipal Board hearing on Official Plan Amendment (OPA) 722 (now renumbered as 1022) and 990.

Comments:

Should Council wish to redesignate the entire EMTC corridor in Malvern as Regional Natural Environment, then recommendations (1) (c) and (d) of the November 12, 1999 report should be replaced with the following:

- (c) amend the Malvern Community Secondary Plan by:
- (i) redesignating the Milne House property and the lands designated as EMCT as Regional Natural Environment and transferring them to the Upper Rouge Community;
  - (ii) deleting Neighbourhood No. 3 Policy 14.1 and renumbering the remainder of Policy 14;
  - (iii) replacing Numbered Policy 6 with the following:

“6. South Side of Old Finch Avenue, west of Sewells Road and east of the former EMTC

Low Density Residential uses are permitted on these lands unless the privately-owned property is acquired for Rouge Park, in which case a Regional Natural Environment designation will apply and the lands will be incorporated into the Upper Rouge Community without further amendment to this plan.”;
  - (iv) deleting the Special Uses Area designation west of Sewells Road, the Temporary Connection designation for Old Finch Avenue, and the Neighbourhood Park designation within the former EMTC;
- (d) amend the Upper Rouge Community Secondary Plan by incorporating the lands referenced in Clause 1(c) (i) above.

Conclusions:

The proposed modification is consistent with Council’s long-standing position with respect to the removal of the EMTC designation. The support of the Province would considerably strengthen the City’s position at the forthcoming OMB hearing on this matter.

Contact:

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Telephone: (416) 396-7026; Fax: (416) 396-4265

**The Scarborough Community Council reports having received the following report (February 1, 2000) from the Chief Financial Officer and Treasurer:**

Purpose:

The purpose of this report is to provide the uncommitted balance in the Beare Road Account.

Funding Sources, Financial Implications and Impact Statement:

There are no financial implications from this report.

Recommendations:

It is recommended that this report be received for information.

Background/History:

The Scarborough Community Council, at its meeting held on January 18, 2000, had before it reports from the Director of Community Planning, East District, respecting planning applications by Anndale Properties and City-initiated applications for lands in and abutting the East Metro Transportation Corridor. During further discussion at the end of the meeting, in camera, the Community Council approved a request that a report be submitted from the Finance Department on the balance remaining in the "Beare Road Ski Hill Reserve Fund", such information to be provided to the February meeting of the Community Council.

Discussion:

The uncommitted balance remaining in the account as at December 31, 1999 is \$2.3 million.

Conclusion:

Scarborough Community Council, at its meeting held on January 18, 2000, requested a report on the uncommitted balance in the Beare Road Account. That balance is \$2.3 million.

Contact Names:

N. Donald E. Altman, Manager, Financial Planning  
Phone: (416) 397-4220, Fax: (416) 397-4555; E-mail: daltman@city.toronto.on.ca

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The following persons appeared before the Community Council in connection with the foregoing matter:

- Mr. Glenn De Baeremaeker, President, Save the Rouge Valley System; and
- Mr. Jim Robb, Friends of the Rouge Watershed;

both in support of designating these lands "Regional Natural Environment".

Insert Table/Map No. 1  
File No. W94073

Insert Table/Map No. 2  
Finch Ave. & Sewells Rd.

Insert Table/Map No. 3  
Conlins Rd. & Hwy. No. 401

Insert Table/Map No. 4  
Sheppard Ave. & Dean Park Rd.

Insert Table/Map No. 5  
Finch Ave. & Sewells Rd.