



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**East Bayfront - Further Report on OMB Appeals of By-law No. 1049-2006 - Environmental Issues**

<b>Date:</b>	February 3, 2012
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division and City Solicitor
<b>Wards:</b>	Ward No. 28- Toronto-Centre Rosedale
<b>Reason for Confidential Information:</b>	This report relates to a litigation matter before the Ontario Municipal Board on the East Bayfront-West Precinct Zoning By-law (By-law No. 1049-2006).
<b>Reference Number:</b>	

**SUMMARY**

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In this report staff seek further direction from City Council with respect to the continuation of an Ontario Municipal Board hearing commencing on April 16, 2012, regarding its instructions relating to appeals to By-law No. 1049-2006 in respect of environmental issues concerning the Redpath Sugar facility located at 95 Queens Quay East.

**RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning Division and the City Solicitor recommend that:

1. Council adopt the confidential instructions to staff in Attachment 1; and
2. Council authorize the public release of the recommendations approved by Council together with Attachments 2 and 3 after Council's approval with the balance of the information to remain in-camera.

## **Financial Impact**

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

At its September 25, 26 and 27, 2006 meeting, Toronto City Council adopted Zoning By-law No. 1049-2006, a new zoning bylaw applying to both private and publicly-owned lands in the East Bayfront - West Precinct. Subsequently, a number of OMB appeals were received from landowners within the precinct as well as from Tate and Lyle Ltd., then-owner of Redpath Sugar (Redpath). To date, the Ontario Municipal Board has approved on a settled basis, the zoning by-law and Secondary Plan provisions to permit the Corus project in July 2007, a second settlement for the balance of the publicly owned land south of Queens Quay East between the Simcoe Street and Parliament Street slips, in November 2007, and a third settlement with respect to lands owned by Waterfront Toronto and the City of Toronto on the north side of Queens Quay East, east of Lower Sherbourne Street in December, 2011. The related Council decisions are contained at EX8.16, April 24, 2007, and at CC13.6, October 24, 2011 in <http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3392.pdf> and <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.CC13.6> respectively.

A hearing has been scheduled by the OMB for April 16, 2012 to address the remaining environmental issues involving Redpath that affect the balance of lands within East Bayfront for which settlements have not been rendered. These lands, which are privately owned, are located north of Queen's Quay East, west of Lower Sherbourne Street.

## **ISSUE BACKGROUND**

The East Bayfront West Precinct Zoning By-law is part of the overall Central Waterfront Secondary Plan OMB approval process. It remains necessary to resolve issues of land use compatibility with Redpath Sugar, a continuing industrial operation at the western boundary of East Bayfront. The OMB is now dealing with the lands located on the north side of Queens Quay East, west of Lower Sherbourne Street within the East Bayfront - West Precinct.

In light of the resumption of the OMB hearing on April 16, 2012, there is a need to provide further direction to staff to dealing with the remaining lands within East Bayfront for which settlements have not been reached.

## **CONTACT**

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## **SIGNATURE**

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Gary Wright, Chief Planner and Executive Director  
City Planning Division

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

- Attachment 1: East Bayfront –Further Report on OMB Appeals to By-law No. 1049-2006 –Environmental Issues
- Attachment 2: Context Map---East Bayfront – West Precinct
- Attachment 3: OPA 257 (Central Waterfront Secondary Plan (Excerpt) and Zoning By-law No. 1049-2006