



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**844 Don Mills Road and 1150 Eglinton Avenue East -  
Appeal of OPA 231 - OMB Hearing**

<b>Date:</b>	May 26, 2016
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 26 – Don Valley West
<b>Reason for Confidential Information:</b>	This report is about litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	

**SUMMARY**

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The owners of 844 Don Mills Road and 1150 Eglinton Avenue (the "Lands") have appealed Official Plan Amendment 231 (OPA 231) as it applies to the Lands to the Ontario Municipal Board (OMB). To date, five pre-hearings have been held for OPA 231 and another hearing event is scheduled to commence on June 20, 2016. The City Solicitor requires further directions.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1;
2. Council authorize the public release of the recommendations in Attachment 1 if adopted with the remainder of Attachment 1 to remain confidential at the discretion of the City Solicitor; and
3. Council authorize the public release of Attachment 2 if the recommendations in Attachment 1 are adopted.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

As part of the Municipal Comprehensive Review (MCR) of employment lands, the owners of the Lands submitted a conversion request to redesignate the Lands from *Employment Areas* to *Mixed Use Areas*, which would have permitted residential uses on the entire subject site.

At its meeting of December 16, 17 and 18, 2013, City Council considered the request to convert these employment lands for non-employment uses as part of the MCR. Under Section 2.2.6.5 of the Provincial Growth Plan for the Greater Golden Horseshoe, the City may convert employment lands for non-employment uses only through the MCR. At the same meeting, City Council adopted OPA 231 which designated the Lands as *General Employment Areas*. The decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing for approval. On July 9, 2014, the Minister of Municipal Affairs and Housing issued a decision confirming Council's action to retain the Lands for employment purposes only. The OMB received 178 appeals to OPA 231 including an appeal from the owners of the Lands. The first pre-hearing conference for OPA 231 was held on March 12-13, 2015 and four more have been held since that time. The parties have another appearance before the OMB commencing on June 20, 2016. The Minister's decision can be accessed at this link:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

## **ISSUE BACKGROUND**

The Lands consist of a 26 hectare parcel of land at the northwest corner of Don Mills Road and Eglinton Avenue East that is primarily bounded by Don Mills Road to the east, Eglinton Avenue East to the south and the C.P. Rail corridor to the north and west. The site also includes lands located south of Eglinton Avenue East with a cloverleaf road connection underneath Eglinton Avenue East which provides vehicle access from the lands up to Eglinton Avenue East.

Historically, the lands were the offices of IBM and have more recently been occupied by the manufacturing, offices and warehouses of Celestica Inc. This private gated corporate campus was located and designed to be isolated from the surrounding city, by ravine lands along the south and west and by a busy rail corridor along the north and west. There are three vehicle access points to the site, two along Don Mills Road and one from the cloverleaf connection to Eglinton Avenue East. No public roads or services exist on the lands. There is a heritage listed low-rise building complex used by Celestica on the

site with 82,242 square metres of space, of which 65,420 square metres of space was still in use in 2014. In addition, there is a 30,841 square metre office building on the westerly portion of the site that has been vacant for almost two decades. In 2015, there were 1,230 employees working on the lands.

Separate from the Municipal Comprehensive Review and as part of Council's adoption of the Eglinton Connects Implementation Report, Council directed that City staff produce a Secondary Plan for the Don Mills-Eglinton Focus Area. The Focus Area consists of the other three corners of the intersection of Don Mills Road and Eglinton Avenue East. This work is underway and will set out to integrate the planning directions and objectives of the Focus Area as identified by City Council through its adoption of Eglinton Connects with any potential development of the Lands. The broader area study and resulting Secondary Plan, would include the Lands, to create a comprehensive framework for the four corners of Don Mills and Eglinton that will create a new community in this place.

## **COMMENTS**

This report requests direction from City Council for the June 20, 2016 OMB hearing.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment No. 1: Confidential Information  
Attachment No. 2: Confidential Information