

88 Sunrise Avenue and 22 Hobson Avenue - Official Plan Amendment 231 - OMB Appeal - Request for Directions

Date: March 1, 2017

To: City Council

From: City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

The Islamic Community of Afghans in Canada (ICAC) the owner of abutting properties known as 88 Sunrise Avenue and 22 Hobson Avenue, has appealed Official Plan Amendment 231 (OPA 231) to the Ontario Municipal Board (OMB) on a site specific basis. A hearing at the OMB is set to begin on April 3, 2017. The City Solicitor requires direction.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of
 - a. the recommendations contained in the Confidential Attachment 1, with the remainder of the Confidential Attachment 1 to remain confidential, as it contains advice subject to solicitor-client privilege;
 - b. Confidential Attachment 2; and
 - c. Confidential Attachment 3.

FINANCIAL IMPACT

There is no financial impact arising from the above recommendations.

DECISION HISTORY

At its meeting on December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment No. 231 (OPA 231). OPA 231 was approved, with amendments, by the Minister of Municipal Affairs in July 2014. OPA 231 was subsequently appealed to the Ontario Municipal Board (OMB) by numerous parties. 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 ICAC. 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>

In 1999, the Ontario Municipal Board approved a minor variance to the zoning by-law regarding the lands at 22 Hobson Avenue and permitted a place of worship. The approved variance permitted the Hobson Avenue place of worship on an Industrial Zone One (M1) lot that is not on an arterial road, and is located within 500 metres of another place of worship in the M1 zone.

In 2015, the OMB approved a minor variance to the zoning by-law regarding the lands at 88 Sunrise Avenue in order to permit ICAC to relocate the existing Hobson Avenue place of worship to the Sunrise property within a new facility.

COMMENTS

The two abutting properties at 88 Sunrise Avenue and 22 Hobson Avenue are located roughly 200 metres west of O'Connor Drive, and are generally located southwest of the intersection of O'Connor Drive and Victoria Park Avenue.

The northerly parcel at 22 Hobson Avenue is currently developed with a place of worship. The southerly parcel at 88 Sunrise Avenue is currently being used as a surface parking lot for the abutting Hobson Avenue place of worship. The lands to the north were previously occupied by a foam manufacturer and are currently occupied by New Circles, a drop off location for clothing donations and used clothing bank to assist low income families. A City-owned printing facility is located to the south; self-storage

facilities and low scale residential uses are located to the east, and manufacturing, service and office uses are located to the west.

The in-force Official Plan designates the subject lands as *Employment Areas*. OPA 231 designates the lands as *Core Employment Areas*.

CONTACT

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SIGNATURE

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City Solicitor

ATTACHMENTS

Confidential Attachment 1: Confidential Recommendations
Confidential Attachment 2: Confidential Information
Confidential Attachment 3: Confidential Information