

## **2 Wickman Road - Appeal of OPA 231 - OMB Hearing**

**Date:** November 24, 2017

**To:** City Council

**From:** City Solicitor

**Wards:** All

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations and contains advice subject to solicitor-client privilege.

### **SUMMARY**

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Dunpar Development Holdings Inc. (Dunpar) has appealed Official Plan Amendment 231 (OPA 231) to the Ontario Municipal Board (OMB) including their lands at 2 Wickman Road. City Council adopted OPA 231 policies for the entire city following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. The City Solicitor requires further directions for an upcoming OMB pre-hearing conference.

### **RECOMMENDATIONS**

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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; and
  - b. Confidential Attachment 2.

### **FINANCIAL IMPACT**

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There is no financial impact arising from the above recommendations.

## DECISION HISTORY

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At its meeting on December 16, 17 and 18, 2013, City Council adopted OPA 231 with respect to the economic health policies and the policies, designations and mapping for *Employment Areas* following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. The Minister approved the majority of OPA 231 with some modifications in July 2014. The City's and Minister's decisions can be accessed at these links:

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

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

The OMB received a total of 178 appeals to OPA 231, including an appeal by Dunpar on June 29, 2014. The Board granted Dunpar party status by decision issued June 3, 2015.

The OMB has issued two Orders partially approving OPA 231. The December 2016 Order brought into force the *Core Employment Areas* and *General Employment Areas* designations, except for sites under appeal and regarding particular uses that remain contested.

## COMMENTS

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Although under appeal, 2 Wickman Road is designated *Core Employment Areas* in OPA 231, a land use designation that applies, for the most part, to lands geographically located within the interior of employment areas. Uses that would attract the general public into the interior of employment areas and possibly disrupt industrial operations are generally not permitted in *Core Employment Areas*.

2 Wickman Road is located at the northwest corner of Evans Avenue and Wickman Road and backs onto the Gardiner Expressway. Wickman Road runs north from Evans Avenue to The Queensway and passes beneath the Gardiner Expressway. Evans Avenue is a Major Street in Map 3 of the Official Plan and has a planned right-of-way width of 27 metres.

The property has frontages of approximately 127 metres on Evans Avenue and the Gardiner Expressway and approximately 172 metres on Wickman Road, with a total area of approximately 2.20 hectares. The lands have good visibility from both the Gardiner Expressway and Evans Avenue.

The property is largely vacant, with the exception of a 1,900 square metre building located on the northeast corner of the site. The building is approximately 12 metres (40 feet) in height and is currently used for third party advertising along its north and west elevations given its visibility from the Gardiner Expressway. The building itself is vacant.

The site was formerly the home of Boyle-Midway Canada, a manufacturer of cleaning products. Two of the 3 buildings on the site have now been demolished.

No development applications have been submitted for this property.

This report requests direction from City Council for a January 5, 2018 prehearing conference scheduled by the OMB.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice  
Subject to Solicitor-Client Privilege

Confidential Attachment 2 - Confidential Information