



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### Mimico-Judson Secondary Plan (East of Royal York Road) – Request for Further Direction

Date: May 11 2018  
To: City Council  
From: City Solicitor  
Wards: Ward 6 - Etobicoke Lakeshore

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege.

#### **SUMMARY**

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The owners of various properties within the Mimico-Judson Secondary Plan area have appealed the Mimico-Judson Secondary Plan ("OPA 331") as it relates to the lands east of Royal York Road. A three week hearing is scheduled to commence on July 4, 2018.

The parties to the hearing have participated in multiple days of mediation facilitated by the Ontario Municipal Board (now transitioned to the Local Planning Appeal Tribunal).

The City Solicitor requires further directions.

#### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendation(s) in Confidential Attachment 1.
2. City Council authorize the public release of the confidential recommendation(s) in Confidential Attachment 1 if it is adopted, with the remainder of Confidential Attachment 1 to remain confidential, and Confidential Attachments 2 through 5 to be released at the discretion of the City Solicitor.

## FINANCIAL IMPACT

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There is no financial impact arising from the Confidential Recommendations.

## DECISION HISTORY

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### Official Plan Amendment 231

At its meeting of December 16-18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) at the conclusion of the Municipal Comprehensive Review of Employment lands as part of the City's Five Year Official Plan Review. OPA 231 brought forward amendments to the Official Plan for economic health and employment lands policies, designations and Site and Area Specific Policies. Through the adoption of OPA 231, lands within the Mimico-Judson area were redesignated from *Employment Areas* to *Regeneration Areas*. Site and Area Specific Policies 433 and 434 were also approved for the lands to provide additional direction for future change.

On July 9, 2014, the Minister of Municipal Affairs and Housing (MMAH) approved OPA 231, with minor modifications. The Minister's decision was subsequently appealed to the Ontario Municipal Board. The decision history on OPA 231 and the MMAH decision can be accessed at the following 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>

On June 22, 2015, the OMB issued an order partially approving OPA 231. The partial approval brought into effect the Regeneration Areas designation for the Mimico-Judson area, along with the associated Site and Area Specific Policies. The OMB Order partially approving OPA 231 can be accessed at this link:

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860\\_Signed%20Board%20Order%20\(June%2022%202015\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20(June%2022%202015).pdf)

Mimico-Judson is one of seven areas redesignated to Regeneration Areas resulting from City Council's adoption of OPA 231. In advance of the Minister's decision on OPA 231, City Planning staff initiated six of the seven *Regeneration Areas* studies, including Mimico-Judson. At its meeting on August 25-28, 2014, City Council received a Regeneration Areas Studies Status Report from the Chief Planner and Executive Director, City Planning. The report summarized the work and consultation that had been completed and identified emerging issues for this study. The report also identified additional matters each *Regeneration Areas* study would address. This Status Report can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.17>

## **Mimico Judson Secondary Plan Area**

At its meeting of January 20, 2016, Planning and Growth Management (PGM) Committee considered a Directions Report dated October 28, 2015 from the Chief Planner and Executive Director, City Planning (Item PG9.2). This report presented the results of the Mimico-Judson Regeneration Area Study. PGM Committee recommended that staff distribute the draft Secondary Plan to the public, to be considered at a statutory public meeting to be held by PGM Committee on April 6, 2016. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG9.2>

At its meeting of April 6, 2016, Planning and Growth Management (PGM) Committee adjourned the public meeting for the Mimico-Judson Secondary Plan and Urban Design Guidelines until May 11, 2016 and directed the Chief Planner and Executive Director, City Planning to hold a community open house prior to that date. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG11.4>

At its meeting of May 11, 2016, Planning and Growth Management (PGM) Committee considered the Mimico-Judson Secondary Plan and Urban Design Guidelines with amendments. The Committee moved to amend the staff recommendations in part and requested that the Chief Planner continue to meet with affected landowners to resolve concerns with the Secondary Plan and report directly to City Council on any proposed amendments to address the concerns. At its meeting of June 7, 2016, City Council adopted the Mimico-Judson Secondary Plan (OPA 331) and Urban Design Guidelines, with the amendments noted above, as outlined in a Supplementary Report from the Chief Planner and Executive Director, City Planning dated June 6, 2016. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.8> and  
<http://www.toronto.ca/legdocs/bylaws/2016/law0532.pdf>

Various landowners and interested parties with an interest in the Mimico-Judson Secondary Plan on the east side of Royal York Road filed appeals to the Ontario Municipal Board, citing various issues. These appeals as well as appeals of site specific development applications are before the LPAT and the subject of private and LPAT led mediation.

The Land Use Planning Appeals Tribunal (LPAT) hearing on this matter will commence on July 4, 2018.

## **COMMENTS**

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A six week hearing was scheduled to commence on June 11, 2018. At the most recent Prehearing Conference, on May 1, 2018, on consent of the parties, the Board truncated the hearing to three weeks commencing July 4, 2018. The parties agree that this time will be used for the purpose of hearing evidence in relation to any settlements that may be reached between the City and any of the appellants.

Staff Report with Confidential Attachment on Mimico-Judson Secondary Plan - Request for direction

The City Solicitor requires further direction.

## CONTACT

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## SIGNATURE

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Wendy Walberg  
City Solicitor

## ATTACHMENTS

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Confidential Attachment No. 1 - Confidential Information

Confidential Attachment No. 2 - Confidential Correspondence dated May 11, 2018.

Confidential Attachment No. 3 - Confidential Information

Confidential Attachment No. 4 - Confidential Information

Confidential Attachment No. 5 - Confidential Information