



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2075 Kennedy Road - Appeal of OPA 231 - LPAT Hearing

Date: June 14, 2018
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

KingSett Capital (KingSett) recently acquired the lands located at 2075 Kennedy Road and 26 and 50 Village Green Square (the Site) from the former owner Dream Asset Management Corp. (Dream). Dream filed a site specific appeal of Official Plan Amendment 231 (OPA 231) as it applied to their lands to the Local Planning Appeal Tribunal (LPAT). The City Solicitor requires further directions for an upcoming LPAT pre-hearing conference.

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; and
 - b. Confidential Attachment 2.

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 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 LPAT received a total of 178 appeals to OPA 231, including an appeal by Dream, the former owner of the lands at 2075 Kennedy Road and 26 and 50 Village Green Square on July 29, 2014.

The LPAT 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

Although under appeal, the Site 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*.

In addition to being designated for employment uses, the Site is also subject to the Agincourt Secondary Plan, which permits residential uses on the lands immediately east of the Site. Through OPA 231 two additional Site and Area Specific Policies (SASPs) were adopted into the Secondary Plan that permit residential uses to the south of the Site and on the opposite side of the CP rail corridor, which runs along the northern boundary of the lands.

The Site is located to the north of Highway 401 and to the east of Kennedy Road. It is approximately 2.6 hectares and currently occupied by a 13 storey commercial office

building with structured parking. Kennedy Road is a Major Street on Map 3 of the Official Plan and has a planned right-of-way width of 36 metres.

Although the Site fronts onto Kennedy Road, access is provided along Village Green Square, which is a local road extending east from Kennedy Road that also provides access to residential and commercial developments located within the surrounding area immediately to the south and east of the subject lands.

No development applications have been submitted for this property.

This report requests direction from City Council for an upcoming prehearing conference scheduled by the LPAT.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice Subject to Solicitor-Client Privilege
2. Confidential Attachment 2 - Confidential Information