



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 1211 Caledonia Road - Appeal of OPA 231 - LPAT Hearing

**Date:** May 6, 2019  
**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. This report contains advice or communications that are subject to solicitor-client privilege.

#### SUMMARY

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Lissard Holdings Limited, the owner of the property municipally known as 1211 Caledonia Road (the Site), has appealed Official Plan Amendment No. 231 (OPA 231) respecting the Site to the Local Planning Appeal Tribunal (LPAT). 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 LPAT 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;
  - b. Confidential Attachment 2; and
  - c. Confidential Attachment 3.

## FINANCIAL IMPACT

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There is no financial impact arising from the adoption of the recommendations in this report.

## 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 City's decision can be accessed at this link:

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

The Minister approved the majority of OPA 231 with some modifications in July 2014. The LPAT received a total of 178 appeals to OPA 231, including a site-specific appeal on July 29, 2014 respecting the Site by Lissard Holdings Limited. The LPAT has issued several Orders partially approving OPA 231. An Order in December 2016 brought into force the *Core Employment Areas* and *General Employment Areas* designations, except for sites under appeal and regarding particular uses that remained contested. An Order in January 2019 brought into force the remainder of the policies for the two *Employment Areas* designations, except with respect to retail policies that remain subject to appeal. LPAT Decisions can be accessed at this link:

<https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL140860>

## COMMENTS

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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 in 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*.

The Site is located on the east side of Caledonia Road, just north of Orfus Road. Caledonia Road is a Major Street on Map 3 of the Official Plan with a planned right-of-way width of 27 metres in this location.

The Site is approximately 0.6 hectares in size and developed with a single storey building containing two units. The units are currently occupied by a retail use and a service use.

No development applications have been submitted for the Site.

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

## **CONTACT**

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Kelly Matsumoto, Practice Lead, Planning and Administrative Tribunal Law, Tel. 416-392-8042, kelly.matsumoto@toronto.ca

## **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

Confidential Attachment 3 - Confidential Information