



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **Request for Direction on Local Planning Appeal Tribunal Appeals of Official Plan Amendment 231 - Appeal No. 134: Parc Downsview Park and Canada Lands Company Ltd**

**Date:** June 1, 2020

**To:** Planning and Housing Committee

**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 and contains advice subject to solicitor client privilege.

#### **SUMMARY**

---

Parc Downsview Park and Canada Lands Company Ltd. (the "Appellants") filed an appeal to Official Plan Amendment No. 231 ("OPA 231") to the Local Planning Appeal Tribunal ("LPAT") regarding the lands designated Employment Areas within the Downsview Area Secondary Plan (the "Lands"). 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 the OPA 231 LPAT hearing process.

#### **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 to remain confidential, as it contains advice subject to solicitor-client privilege;
  - b. Confidential Attachment 2; and
  - c. Confidential Attachment 3.

## **FINANCIAL IMPACT**

---

There are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

## **DECISION HISTORY**

---

### **OPA 231**

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. In July 2014, the Minister approved the majority of OPA 231 with some modifications. 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 limited modifications in July 2014. The LPAT received a total of 178 appeals to OPA 231. 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. LPAT Decisions can be accessed at this link:

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

On May 8, 2020, the LPAT issued an order approving OPA 231 Employment Land Conversion and Forecasting policies as modified by City Council on June 18, 2019.

The remaining citywide policy matters before the LPAT relate to retail matters and office replacement. Approximately 80 site and area specific appeals remain to be resolved. The LPAT's webpage on the OPA 231 proceedings can be accessed at this link:

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

### **Downsview Area Secondary Plan**

The Downsview Area Secondary Plan was approved by the Ontario Municipal Board in August 2011. The Secondary Plan includes all of the Lands subject to appeal as well as additional lands designated Neighbourhoods, Apartment Neighbourhoods, Mixed Use Areas, Parks and Natural Areas. The Downsview Area Secondary Plan can be accessed at this link:

<https://www.toronto.ca/wp-content/uploads/2017/11/902d-cp-official-plan-SP-7-Downsview.pdf>

## **COMMENTS**

---

Although under appeal, the Lands are designated Core Employment Areas in OPA 231, a designation that for the most part applies to lands geographically located in Employment Area interiors. Residential and other sensitive land uses as well as uses

that would attract the general public into the interior of Employment Areas and possibly disrupt industrial operations are not permitted in Core Employment Areas.

The Lands are approximately 307 hectares (579 acres) in area and are located to the west of Allen Road, south of Sheppard Avenue, east of the GO Transit Barrie railway line and north of Wilson Avenue and Hanover Road. Three TTC subway stations - Wilson, Sheppard West and Downsview Park - and the Downsview Park GO Station are located along the east and north peripheries of the Lands. Highway 401 is less than 500 metres from the south end of the Lands.

The Lands include the Downsview Airport and Bombardier Aerospace campus (approximately 150 hectares/370 acres), which are owned by the Public Sector Pension Investment Board ("PSP"). Bombardier's lease expires in 2023, at which time they will vacate the lands and the airport will no longer be required.

This report requests direction from City Council for the ongoing LPAT hearing respecting OPA 231.

## **CONTACT**

---

Kelly Matsumoto, Practice Lead, Planning and Administrative Tribunal Law, Tel. 416-392-8042, E-Mail: [kelly.matsumoto@toronto.ca](mailto:kelly.matsumoto@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

Public Attachment 1 - Parc Downsview Park and Canada Lands Company Ltd Appeal Letter

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