

**OLT Appeal of OPA 231 – 1235-1255 Lawrence Avenue
West and 3-23 Benton Road – Request for Directions**

Date: January 25, 2022

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

SUMMARY

G. Gagliano Properties Ltd./Benton Property Corp. has an appeal to Official Plan Amendment 231 ("OPA 231") at the Ontario Land Tribunal ("OLT") regarding their property municipally known as 1235-1255 Lawrence Avenue West and 3-23 Benton Road (the "Lands"). City Council adopted OPA 231 in 2013 following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. OPA 231 re-designates part of the Lands as *General Employment Areas* and the remainder as *Core Employment Areas*. The 2014 appeal sought the *Mixed Use Areas* designation on all or part of the Lands. The City Solicitor requires further directions.

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 the recommendations contained in the Confidential Attachment 1, with the remainder of Confidential Attachment 1 and Confidential Attachment 2 to remain confidential.

FINANCIAL IMPACT

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

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. 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 OLT received a total of 178 appeals to OPA 231. The OLT 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. OLT Decisions can be accessed at this link:

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

On May 8, 2020, the OLT 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 OLT relate to retail matters and office replacement. Approximately 80 site and area specific appeals remain to be resolved, a number of which are subject to ongoing or upcoming litigation or resolution. The OLT's webpage on the OPA 231 proceedings can be accessed at this link:

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

On January 12, 2022, Planning and Housing Committee considered PH30.5 - Our Plan Toronto: Employment Area Conversion Requests - Preliminary Assessments Group 1 as part of the MCR. The Committee adopted the item with amendments, including a motion to request City Planning staff to expand their preliminary review of the 1265-1289 Lawrence Avenue conversion request (owned by Smartcentres) to also include consideration of the Lands and other nearby employment lands.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH30.5>

COMMENTS

Although under appeal, OPA 231 designates the part of the Lands along Lawrence Avenue West as *General Employment Areas* and the remainder as *Core Employment Areas*.

The *General Employment Areas* designation generally applies to lands located on the periphery of *Employment Areas* on major roads such as Lawrence Avenue West. Permitted uses include all uses permitted in *Core Employment Areas* as well as retail, service and restaurant uses with the intent that they serve workers in the *Employment Area* and also benefit from visibility and transit access to draw the broader public. The *Core Employment Areas* designation predominantly applies to lands geographically located in *Employment Area* interiors. *Employment Area* uses that attract the general public into the interiors of *Employment Areas* and possibly disrupt industrial operations are generally not permitted in *Core Employment Areas*.

The Lands are approximately 3.5 hectares in area and developed with a low scale office building and a warehouse.

The Lands are located south of Lawrence Avenue West between Keele Street and Caledonia Road. The Lands abut a CN rail corridor and have frontage on Lawrence Avenue West and the east side of Benton Road.

North of the Lands and Lawrence Avenue are low scale residential uses. East of the Lands and abutting the rail corridor are automobile repair uses on *Core Employment Area* lands where Site and Area Specific Policy 57 also permits low scale residential uses. South of the Lands are office and warehouse uses on *Core Employment Area* lands. West of the Lands along Lawrence Avenue is a restaurant on *General Employment Area* lands. Also located west of the Lands are place of worship and automobile repair uses on *Core Employment Area* lands along Benton Road.

This report requests further direction from City Council for the outstanding OLT appeal.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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

Confidential Attachment 2 - Confidential Information