

## **OLT Appeal of OPA 231 – 1911 and 1921 Eglinton Avenue East – Request for Directions**

**Date:** June 7, 2022  
**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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Sarick (the "Appellant") has appealed Official Plan Amendment 231 ("OPA 231") to the Ontario Land Tribunal ("OLT") regarding the property known as 1911 and 1921 Eglinton Avenue East (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 the Lands as *General Employment Areas* and the Appellant seeks the *Mixed Use Areas* designation.

The City Solicitor requires further directions.

### **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 the recommendations contained in the Confidential Attachment 1 and all of Confidential Attachment 2, with the remainder of Confidential Attachment 1 to remain confidential as it contains advice subject to solicitor-client privilege.

## 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. 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. 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>

The Appellant has also requested that the Lands be considered for a conversion as part of the current MCR (Conversion Request 084). At its meeting on January 30, 2022, Planning and Housing Committee authorized City Planning to use Preliminary Assessments as a basis for consultation, including for these lands. As provided in Attachment 1 of that report, based on staff's preliminary review, further analysis was required to inform a preliminary assessment for these lands. One of the issues identified was resolution of the site specific appeal to OPA 231 regarding the lands to which the Growth Plan 2006 is applicable and the OLT is the approval authority.

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

The Lands are located with the Golden Mile Secondary Plan Area and the Appellant has also appealed Council's decision on OPA 499 the Golden Mile Secondary Plan, to the OLT. City Council's decision on that matter can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC18.1>

## **COMMENTS**

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Although under appeal, the Lands are designated *General Employment Areas* in OPA 231. *Employment Areas* are places of business and economic activities, with *General Employment Areas* generally located on the periphery on major roads where retail, service and restaurant uses can serve workers and would also benefit from the visibility and access to draw the broader public.

The Lands are approximately 3.9 hectares in size and are located on the south side of Eglinton Avenue East between Lebovic Avenue and Warden Avenue. The Lands presently accommodate two large buildings: one occupied by a Provincial Ontario Court of Justice which is planned to close in 2023 and another with service commercial and retail tenants.

The Appellant is also a party to the OPA 499 Golden Mile Secondary Plan proceedings. No development applications have been submitted for this property.

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

## **CONTACT**

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## **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