

OLT Appeal of OPA 231 – RioCan Stockyards – Request for Directions

Date: June 7, 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

RioCan (the "Appellant") has appealed Official Plan Amendment No. 231 ("OPA 231") to the Ontario Land Tribunal ("OLT") regarding the property known as the RioCan Stockyards site, generally located south of Gunns Road, west of Weston Road and north of St. Clair Avenue (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.

RioCan has also made a conversion request for the lands under the City's current Municipal Comprehensive Review. The Lands are located within the Keele-St. Clair Local Area Study Area.

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 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

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. 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>

At its meeting of May 11 and 12, 2022, City Council adopted OPA 537 with respect to the Keele-St. Clair Local Area Study as part of the City's Municipal Comprehensive Review under Section 26 of the Planning Act. The Minister of Municipal Affairs and Housing is the approval authority for OPA 537. City Council's decision can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH33.2>

COMMENTS

Although under appeal, the Lands are designated *General Employment Areas* through OPA 231. The Appellant has also made a request for conversion to *Mixed Use Areas* under the City's current Municipal Comprehensive Review. The Lands are located within the Keele-St. Clair Local Area Study and are designated *General Employment Areas* in OPA 537 which resulted from the study.

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