

## **OLT Appeal of OPA 231 – 15 North Queen Street and Surrounding Area - Request for Directions**

**Date:** July 8, 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**

---

2552317 Ontario Inc. (Cinespace Studios Inc.) ("the Appellant") appealed Official Plan Amendment No. 231 ("OPA 231") to the Ontario Land Tribunal ("OLT") regarding the property known as 15 North Queen Street (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 *Core Employment Areas* and *General Employment Areas*.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for November 2022.

### **RECOMMENDATIONS**

---

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (July 8, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 and all of Confidential Attachment 2 to the Report (July 8, 2022) from the City Solicitor, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (July 8, 2022) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information which is 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. 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>

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>

## **COMMENTS**

---

Although under appeal, the western portion of the Lands is designated *Core Employment Areas* and the eastern portion of the Lands is designated *General Employment Areas* in OPA 231. The *Core Employment Areas* designation predominantly applies to lands geographically located in the interior of an *Employment Area*. *Employment Area* uses that attract the general public into the interior of *Employment Areas* and which could disrupt industrial operations are generally not permitted in *Core Employment Areas*.

The *General Employment Areas* designation generally applies to lands located on the periphery of *Employment Areas* on major roads. Permitted uses include all uses permitted within *Core Employment Areas* as well as retail, service, and restaurant uses

intended to serve workers in the *Employment Areas* and which may also benefit from visibility and transit access to draw the broader public.

The Lands are bounded to the north by North Queen Street; to the east by Kipling Avenue; to the south generally by The Queensway with the exception of properties at the northwest corner of Kipling Avenue and The Queensway; and, to the west by a rail corridor. The Lands are occupied by a mix of storage, warehousing, processing, and automobile dealerships. North Queen Street, Kipling Avenue, and The Queensway are identified as Major Streets on Map 3 of the Official Plan.

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

## **CONTACT**

---

Cameron McKeich, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-338-4891, E-mail: [cameron.mckeich@toronto.ca](mailto:cameron.mckeich@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

1. Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice Subject to Solicitor-Client Privilege
2. Confidential Attachment 2 - Confidential Information