

**OLT Appeal of OPA 231 – 2, 7, 10 and 12 and Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-17 Sinclair Street – Request for Directions**

**Date:** July 8, 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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10 QEW Inc./Queenscorp (Royal York) Inc. ("the Appellant") appealed Official Plan Amendment No. 231 ("OPA 231") to the Ontario Land Tribunal ("OLT") regarding lands designated *Employment Areas* and known municipally as 2-12 and 7 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-17 Sinclair 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 all of the Lands as *Core Employment Areas* and the Appellant seeks the *Mixed Use Areas* designation on part of the Lands.

The City Solicitor requires further directions.

**RECOMMENDATIONS**

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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 Confidential 2 to this Report (July 8, 2022) from the City Solicitor only at the discretion of the City Solicitor.

3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (July 8, 2022) from the City Solicitor remain confidential, as it contains advice and information which is 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. The City's decision can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaltemHistory.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**

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Although under appeal, the Appeal Lands are designated *Core Employment Areas* in OPA 231, a designation that predominantly applies to lands geographically located in *Employment Area* interiors. *Employment Area* uses that will 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 located north of the Gardiner Expressway, west of Royal York Road and south of Sinclair Street. The Lands form the eastern part of an *Employment Area* that extends west from Royal York Road to St. Lawrence Avenue. This *Employment Area* is bound to the south by the Gardiner Expressway and to the north by Sinclair Street and The Queensway. Abutting the Lands to the west are office and retail uses. *Neighbourhoods* containing low-rise residential dwellings are located to the north and east of the Lands. Existing uses on the Lands are primarily office and automobile repair uses, as well as three detached dwellings fronting Royal York Road.

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