

## **OLT Appeal of OPA 231 – Employment Lands in South Etobicoke from The East Mall to Islington Avenue – 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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FIMA Development (the "Appellant") appealed Official Plan Amendment 231 ("OPA 231") to the Ontario Land Tribunal ("OLT") regarding various properties designated as *Employment Areas* located south of the Gardiner Expressway between The East Mall and Islington 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 *Core Employment Areas* and the Appellant seeks the *General Employment Areas* designation.

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 all of Confidential Attachment 2 to the Report (July 8, 2022) from the City Solicitor, if the confidential recommendations are 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**

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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/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**

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Although under appeal, the 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 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 geographically dispersed but are all within the area bound to the north by the Gardiner Expressway, to the west by The East Mall and to the east by Islington Avenue. The majority of the Lands are located north of Evans Avenue; however, properties located at 415 Evans Avenue and 302-324 Horner Avenue are also part of the Appeal. Overall, the Lands represent a large amount of employment lands and are occupied by a variety of *Employment Area* uses. The Lands are surrounded by the OLT Appeal of OPA 231 – South Etobicoke Employment Area lands - Request for Directions

Gardiner Expressway to the north, *Neighbourhoods* to the east, *Core Employment Areas* to the south, and *Mixed Uses Areas* and *Neighbourhoods* to the west.

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