

OLT Appeal of OPA 231 – 1025 The Queensway – 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

Talisker Queensway G.P. 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 1025 The Queensway ("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

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

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 Lands are designated *General Employment Areas* in OPA 231. *General Employment Areas* are generally located on the periphery of *Employment Areas* on major roads where retail, service and restaurant uses can serve workers in the *Employment Area* and would also benefit from visibility and transit access to draw the broader public. Site and Area Specific Policy No. 432 ("SASP 432") in OPA 231 applies to the Lands and permits entertainment and recreation uses on the Lands. SASP 432 also requires that employment uses on the Lands be compatible with nearby residential uses.

The Lands are occupied by a movie theatre and located south of The Queensway, west of Islington Avenue, north of the Gardiner Expressway and east of Dorchester Avenue. Abutting the Lands to the north is a *Mixed Use Area* comprised of existing restaurant and bank uses and proposed residential, office and retail uses in two buildings of 10 and 17 storeys. East of the Lands is a *Mixed Use Area* containing low rise residential uses and a *Core Employment Area* comprised of food wholesaling, distribution, warehousing and retail uses.

The Appellant has also requested that the Lands be considered for a conversion as part of the current MCR (Conversion Request No. 54). At its meeting on March 25, 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 the 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. The Committee's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH32.8>

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

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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