

**OLT Appeal of OPA 231 – 2006-2010 Dundas Street
West - 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

Jacinto's Carwash Ltd. and Portuguese Village Investments Limited ("the Appellant") is a party to an appeal of Official Plan Amendment No. 231 ("OPA 231") to the Ontario Land Tribunal ("OLT") with respect to the property known as 2006 and 2010 Dundas Street West (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 part of the Lands as *Core Employment Areas*.

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 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

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>

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

The Lands are bounded to the north and east by a rail corridor, to the south by Dundas Street West, and to the west by low rise buildings comprising commercial uses. Dundas Street West is identified as a Major Street on Map 3 and an Avenue on Map 2 of the Official Plan.

The portion of the Lands abutting Dundas Street West is designated *Mixed Use Areas*. Although under appeal, the portion of the lands abutting the rail corridor is designated *Core 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*.

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

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