

**OLT Appeals of OPA 231 & OPA 469 – 701-703 Evans
Avenue - Request for Directions**

Date: January 27, 2023

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

On December 18, 2013, City Council adopted Official Plan Amendment No. 231 ('OPA 231') which recommended retaining the lands municipally known as 701-703 Evans Avenue (the "Lands") as *Employment Areas* and re-designating them as *Core Employment Areas*. Amexon Realty Inc. (the "Appellant"), the owner of the Lands, appealed OPA 231 on July 28, 2014, as Appeal No. 57.

The Appellant also appealed Official Plan Amendment No. 469 ('OPA 469'), known as the Sherway Area Secondary Plan, following its adoption by Council on October 30, 2019. OPA 469 designates the Lands as *Core Employment Areas* and includes them in the QEW Office Precinct, subject to certain plan-wide and area-specific policies.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for April 2023 and November 2023.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this Report 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 this Report from the City Solicitor, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to this Report 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 several orders partially approving OPA 231. In December 2016, the OLT 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 city-wide 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>

On October 30, 2019, City Council adopted Official Plan Amendment No. 469 ("OPA 469"), known as the Sherway Area Secondary Plan, with respect to lands bounded by Highway 427, the Queen Elizabeth Way, the Canadian Pacific Rail line and the Etobicoke Creek ravine, to guide orderly development within the area. OPA 469 has been appealed to the OLT by multiple appellants. The OLT issued an order partially approving OPA 469 on September 9, 2022, with some parts of OPA 469 remaining under appeal. Council's decision can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY9.1>

COMMENTS

The Lands are approximately 1 hectare, and are bound by the Queen Elizabeth Way (the "QEW") to the south and east, Evans Avenue to the north and a QEW on/off ramp to the west. The lands are accessed via Evans Court and Sherway Gate to the east. The Lands currently contain two 9-storey office buildings, with a combined commercial gross floor area of 19,611 square metres. In addition to the 9-storey office building at 703 Evans Avenue, this portion of the lands includes five levels of above-grade parking and one-storey of underground parking that is integrated with the office building.

Immediately to the north are residential buildings ranging from 19 to 32 storeys, the Sherway Gardens Shopping Centre and The Queensway. Low-rise residential uses are found further south beyond the QEW. Immediately east of the lands is a one-storey TD Bank branch. Further east, beyond the QEW, are low-rise residential uses and Bisset Park.

Although under appeal, the Lands are 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*.

The Lands are also subject to OPA 469, which also designates them as *Core Employment Areas* and applies the QEW Office Precinct overlay to prioritize commercial uses on the lands. The Lands are also subject to site-specific Policy 12.3 in OPA 469, which permits office uses to a maximum floor space index of 1.86 times the gross site area. On November 22, 2019, the Appellants filed their appeal of OPA 469, as Appeal No. 1.

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

CONTACT

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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