

**OLT Appeal of OPA 231 – 51 Manstor Road - Request
for Directions**

Date: January 26, 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 OPA 231, following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. OPA 231 recommended retaining the lands at 51 Manstor Road (the "Lands") as *Employment Areas* and re-designating them as *Core Employment Areas*.

2130254 Ontario Inc. (the "Appellant") appealed OPA 231 on July 29, 2014, as Appeal No. 27.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for April 2023.

RECOMMENDATIONS

The City Solicitor recommends that:

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

3. City Council direct that all other information contained in Confidential Attachment 1 to the 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 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>

On October 30, 2019, City Council adopted Official Plan Amendment No. 469 ("OPA 469"), the Sherway Area Secondary Plan with respect to lands bounded by Highway 427, the Queen Elizabeth Way (the "QEW"), the Canadian Pacific Rail line and the Etobicoke Creek ravine, to guide the orderly development within the area. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY9.1>

On August 3, 2021, the Appellant submitted an employment area conversion request (Conversion Request No. 63) to the City, to be considered as part of the city-initiated Municipal Comprehensive Review to bring the City's Official Plan in conformity with the Growth Plan for the Greater Golden Horseshoe 2020 ("Growth Plan 2020"). The Appellant seeks to convert the Lands to *Mixed Use Areas* through the Growth Plan 2020 conformity exercise.

COMMENTS

The lands at 51 Manstor Road are approximately 5 hectares, and are bound by the hydro corridor to the south, CN railway to the north, The West Mall and Etobicoke Creek to the west, and the hydro corridor to the east. The lands are currently used for open storage by a multi-modal transportation business. The lands are part of a larger cluster of *Employment Areas* designated lands with industrial uses further east and large-scale retail stores to the south. There is also a large cluster of *Employment Areas* north of the rail corridor. Further north and west are industrial and manufacturing uses in the City of Mississauga.

Immediately north of the lands is the CN Rail line. Further north is the Toronto/Wilson Heliport, and industrial and manufacturing uses. South of the lands is a hydro corridor. Further south are major retail uses, Cadillac Fairview Sherway Gardens Mall, and Trillium Health Centre. East of the lands is a hydro corridor. Further east are major retail uses, Highway 427, warehouses, and City of Toronto Works and Emergency Services Yards. West of the lands is Etobicoke Creek. Further west is the City of Mississauga and industrial and manufacturing uses.

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 at 51 Manstor Road are subject to OPA 469, which maintains these lands as *Core Employment Areas* and identifies the lands as being within the North Queen Employment Precinct, to prioritize the retention and intensification of employment uses. The Lands are subject to site-specific Policy 12.1 in OPA 469, which permits large-scale, stand-alone retail stores and entertainment, recreational and cultural facilities. The lands are also subject to Policy 12.2, which directs that outdoor storage uses are permitted on the Lands, subject to operating within acceptable Provincial requirements. On November 28, 2019, the Appellant appealed OPA 469.

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

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