



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

393 Sorauren Avenue and 1947 Dundas Street West – Official Plan Amendment 231 - Ontario Land Tribunal Hearing – Request for Directions

Date: June 14, 2024

To: City Council

From: City Solicitor

Wards: Ward 4 - Parkdale-High Park

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

City Council adopted Official Plan Amendment 231 ("OPA 231") on December 18, 2013 following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. OPA 231 designates the lands municipally known as 393 Sorauren Avenue and 1947 Dundas Street West (the "Site") as Core Employment Areas. The owner of the lands appealed OPA 231 to the Ontario Land Tribunal ("OLT").

The City Solicitor requires further directions for time-sensitive matters before the OLT. It should be considered urgent and should not be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 and the entirety of Confidential Appendix "A" 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 which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

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. In July 2014, the Minister approved the majority of OPA 231 with some modifications. The City's decision can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

The OLT received a total of 178 appeals to OPA 231. The OLT has issued a number of Orders partially approving OPA 231. In December 2016, the OLT issued an Order that brought into force the Core Employment Areas and General Employment Areas designations, except for sites under appeal and regarding particular uses that remain contested. On May 8, 2020, the OLT issued an order approving OPA 231 Employment Land Conversion and Forecasting policies as modified by City Council on June 18, 2019. The remaining city-wide policy matters before the OLT relate to office replacement. In addition, approximately 60 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://jus-olt-prod.powerappsportals.com/en/e-status/details/?id=1f6c3234-4e96-ec11-b400-0022483e85c0>

At its meeting on July 19, 2022, Council accepted an offer to resolve the OPA 231 appeal pertaining to 2006-2010 Dundas Street West, which was sheltering under the appeal made by the owners of 393 Sorauren and 1947 Dundas Street West. The City's decision can be accessed at this link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.CC47.26>

At its meeting on July 19 and 20, 2023, Council adopted OPA 653, with amendments, as part of a phased MCR and Growth Plan Conformity Exercise. OPA 653 implements the approval of 36 conversion requests undertaken under Section 26 of the *Planning Act* and makes amendments to Employment Areas that have Chapter 7 Site and Area Specific Policies that include residential permissions in order to conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), Policy 2.2.5.7 and Official Plan Amendment 591, which prohibit residential uses within lands designated as Employment Areas. Council also directed the City Solicitor to request that the OLT

modify SASP 154 as amended by OPA 231, and take the necessary steps to ensure that the Minister of Municipal Affairs and Housing and the OLT take coordinated actions with respect to lands subject to both OPA 231 appeals and conversion requests under the current MCR. The City's decision can be accessed at this link:
<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.3>

COMMENTS

The Site is municipally known as 393 Sorauren Avenue and 1947 Dundas Street West and is approximately 0.2 hectares in size. The Site is located at the southeast corner of Dundas Street West and Sorauren Avenue, west of the Metrolinx passenger and CN/CP freight rail corridor, south of Dundas Street West, and east of Sorauren Avenue. The Site currently contains a 2-storey former factory (constructed in the early 1900s) occupied by a variety of uses including a building supply company, a laundromat and some studio uses. The Site is accessible by frequent streetcar service that connects to Dundas West Subway Station and Bloor GO/Union Pearson Express Station.

North of the lands is Dundas Street West, and beyond that lands that are designated Core Employment Areas and the rail corridor.

East of the lands is the rail corridor and a property owned by Metrolinx.

South of the lands are several mid-rise buildings predominantly made up of residential uses, and beyond that Sorauren Park.

West of the lands along Dundas Street West are a mix of small-scale retail and commercial uses, and in the interior, predominately 2-storey residential dwellings designated as Neighbourhoods in the Official Plan (OP).

The block where the Site is located, is shaped by the adjacent rail corridor which bends towards Sorauren. The lands are at the northernmost edge of the junction of Sorauren Avenue, Dundas West, and the rail corridor, resulting in a shallower site and somewhat restricted by the angle of Dundas Street West and the adjacent rail corridor. Originally developed along the rail corridor with traditional employment uses, the Junction-Weston Dupont area of employment has transitioned to a range of users, including business and professional services, light manufacturing and various creative industry uses, such as studios and galleries.

The 2002 Official Plan designated the land as Employment Areas and applied a Site and Area Specific Policy 154 ("SASP 154") which permits residential uses on lands designated Employment Areas subject to criteria that include a condition that they demonstrate compatibility with the other uses on the lands and in the adjacent area.

OPA 231 was adopted by Council in 2013 and approved by the Minister in 2014 as part of the first Municipal Comprehensive Review ("MCR") in order to conform to the 2006 Growth Plan. OPA 231 designated the lands as Core Employment Areas and amended SASP 154 to, among other things, restrict residential uses within 30 metres of a rail

corridor. The revised SASP is the basis of the appeal, as the site is immediately adjacent to the rail corridor.

While the OPA 231 version of SASP 154 conforms to the 2006 Growth Plan, the SASP would not conform to the 2020 Growth Plan. The 2020 Provincial Policy Statement and 2020 Growth Plan require municipalities to prohibit residential uses on employment lands. As part of the most recent MCR all the Site and Area Specific Policies (SASPs) in Chapter 7 of the Official Plan were reviewed. SASP 154 was one of 14 SASPs that permit residential uses on lands that are designated Core or General Employment Areas. The residential permissions in these SASPs prevail over the Employment Areas policies that do not allow residential uses, and thereby do not conform to the 2020 Growth Plan.

As a result of the Chapter 7 Site and Area Specific Policy Review, staff recommended, and Council adopted Official Plan Amendment 653 (OPA 653). OPA 653 amends the OP to conform to the 2020 Growth Plan, regarding the employment lands subject to one of the Chapter 7 SASPs by either; redesignating the lands from Employment Areas to a designation that permits residential uses, or retaining the lands as Employment Areas and removing the lands from these SASPs which permits residential uses.

OPA 653 was adopted by Council in September 2023 and is with the Minister of Municipal Affairs and Housing for final approval.

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information