



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Ookwemin Minising – Ontario Land Tribunal Hearing – Request for Directions

Date: July 14, 2025

To: City Council

From: City Solicitor

Wards: Ward 14 - Toronto - Danforth

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

The City of Toronto, together with CreateTO and Waterfront Toronto, are advancing a significant revitalization project for the Port Lands, including Ookwemin Minising (formerly known as Villiers Island). At its meeting on June 26, 2024, City Council adopted amendments to the Official Plan (OPA 409), Toronto Zoning By-law 569-2013 (By-law 702-2024) and the Precinct Plan for the Ookwemin Minising in order to advance the redevelopment and update the planning framework for the Island in response to Toronto's Housing Action Plan, to permit a dense, inclusive, sustainable and walkable urban community.

On July 29, 2024, appeal letters were received from the Toronto Port Authority (operating as "PortsToronto") in respect of the Official Plan Amendment and Zoning By-law Amendment.

Atura Power, operator of the Portlands Energy Centre, was granted party status to the appeals.

The City Solicitor requires further directions for an upcoming Ontario Land Tribunal ("OLT") hearing scheduled to commence on October 2nd. Accordingly, this matter is 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 Confidential Appendix "A", Confidential Appendix "B" and Confidential Appendix "C" to this report from the City Solicitor at the discretion of the City Solicitor.
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

In February 2023, Planning and Housing Committee directed City staff to develop a preferred approach to increase housing density for affordable housing and recommends amendments to the Villiers Island Precinct Plan through a City initiated re-zoning process in 2024. The Committee's decision is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH2.9>

On June 26 and 27, 2024, City Council adopted City-initiated Official Plan (OPA 409) and Zoning By-law (By-law 702-2024) Amendments for Ookwemin Minising (then known as Villiers Island) as a result of a directed density study. Through that report, City staff identified the need for continuous coordination with Ports Toronto and Nav Canada and noted that, on public lands within Ookwemin Minising, development partners will be required to submit detailed plans to Nav Canada and Ports Toronto for their review for impacts to procedures. The City Council decision is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH13.2>

A more complete decision history in respect of the Port Lands revitalization and the Island can be found in the June 3, 2024 Report from the Interim Chief Planner and Executive Director, City Planning, here:

<https://www.toronto.ca/legdocs/mmis/2024/ph/bgrd/backgroundfile-246353.pdf>

On July 29, PortsToronto and Lafarge Canada submitted appeal letters in respect of City Council's approval of the Official Plan Amendment to the OLT.

At its meeting on December 17th and 18th, 2024, City Council directed the Chief Planner and Executive Director, City Planning, and the Executive Director, Development Review to work with Waterfront Toronto, CreateTO and other divisions to explore opportunities for additional density on public lands in Ookwemin Minising and report back on any recommended opportunities by the fourth quarter of 2025. City Council's decision is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EX19.2>

At its meeting on February 5th, 2025, City Council endorsed a modification to OPA 409 and instructed the City Solicitor to support the modification at the Ontario Land Tribunal to resolve the concerns of Lafarge Canada (the "Lafarge Proposed Modification"). The City Council decision is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.CC26.4>

Through a decision issued on March 4, 2025, the Ontario Land Tribunal granted party status to Waterfront Toronto, Lafarge Canada, the owners of the lands formally known municipally as 309 Cherry Street (now 65 Ookwemin Street), and Atura Power, the operator of the Portlands Energy Centre. Through this decision, the OLT also recognized the portions of OPA 409 that were not appealed by Ports Toronto as being in force and effect, and approved the Lafarge Proposed Modification. Finally, the OLT scheduled a hearing to commence on October 2, 2025 and imposed corresponding procedural deadlines in advance of that hearing.

COMMENTS

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

Lauren Pinder, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-0797; Fax: (416) 397-5624; Email: lauren.pinder@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information