

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** January 19, 2023

**CASE NO(S):** OLT-22-002343  
(Formerly PL140860)

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Appellant:	10 QEW Inc.
Appellant:	100 Metropolitan Portfolio Inc.
Appellant:	1095909 Ontario Limited (Wynn Group of Companies)
Appellant:	1107051 Ontario Ltd.; and others
Subject:	Proposed Official Plan Amendment No. 231
Municipality:	City of Toronto
OLT Case No.:	OLT-22-002343
Legacy Case No.:	PL140860
OLT Lead Case No.:	OLT-22-002343
Legacy Lead Case No.:	PL140860
OLT Case Name:	A. Mantella & Sons Limited v. Toronto (City)

**Heard:** November 22, 2022 by video hearing

**APPEARANCES**

**Parties**

City of Toronto

2552317 Ontario Inc.  
(CinespaceStudios Inc.)

87 Ethel Holdings Ltd.

Talisker Queensway G.P. Inc.  
("New Queensway LP")

**Counsel**

Christina Kapelos  
Laura Bisset  
Cameron McKeich

Chris Tzekas

John Alati  
Alex Lusty

Lee English

FIMA Development 851653 Ontario Inc. 2242781 Ontario Inc. Q Developments	Barry Horosko
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Jacinto's Car Wash Ltd. and Portuguese Village Investments Limited	Raj Kehar
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Queenscorp (Royal York) Inc.	Kristie Stitt Sarah Kagan
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South Etobicoke Industrial Employers Association ("SEIEA")	Donya Yarahmadi
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Samuel Sarick Limited	Katryna Vergis-Mayo
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**MEMORANDUM OF ORAL DECISION DELIVERED BY G. BURTON AND D.S. COLBOURNE ON NOVEMBER 22, 2022 AND ORDER OF THE TRIBUNAL**

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[1] On November 22, 2022, the Tribunal conducted a Hearing to consider six settlements of site-specific Appeals to Official Plan Amendment 231 ("OPA 231").

**BACKGROUND OF OPA 231**

[2] As outlined in previous decisions on these Appeals, By-law No. 1714-2013 was adopted by City of Toronto ("City") Council in December 2013, the purpose and effect of which was to adopt OPA 231 to the City's Official Plan ("OP") regarding policies for economic health and policies, designations and mapping for Employment Areas.

[3] A total of 178 Appeals were filed following the Minister's approval in 2014, including Appeals of the whole of OPA 231 on a City-wide basis, and many site-specific Appeals.

[4] The province later filed Ontario Regulation 305/19 ("Regulation") pertaining to transitional matters for growth plans created under the *Places to Grow Act*, 2005. This

transitions OPA 231 under the Growth Plan for the Greater Golden Horseshoe, 2006 (“2006 Growth Plan”), rather than later-adopted versions of the Plan. Thus OPA 231 “shall be continued and disposed of in accordance with the 2006 Growth Plan as it read on June 16, 2006”. The import of this is set out in the Tribunal’s decision for case No. OLT-22-002343 (formerly PL140860) dated April 8, 2021.

[5] The Ontario Municipal Board, now Ontario Land Tribunal (“Tribunal”), had held the first Pre-Hearing Conference (“PHC”) regarding OPA 231 in March 2015. A number of parties then sought and obtained party or participant status to the OPA 231 proceedings.

[6] The Tribunal ordered Appellants who had filed City-wide appeals of the entirety of OPA 231 to scope their appeals by April 13, 2015, and to specifically identify which parts of OPA 231 they wished to maintain under appeal.

[7] After the City determined which parts of OPA 231 were no longer subject to a City-wide appeal, the City brought a Motion for partial approval at the second PHC, held on June 22, 2015. An Order was issued on June 22, 2015, approving and bringing into force and effect those parts of OPA 231 that were not subject to a City-wide appeal (as permitted by the *Planning Act*).

[8] The Tribunal agreed that a site- and area-specific appeal approach represents good planning. This demonstrates an efficient use of limited resources, and an orderly method to complete the OPA 231 Hearing. The Tribunal thus ordered a phased approach to the remaining site-specific Appeals, on a thematic or geographic basis.

[9] The majority of the City-wide policy appeals of OPA 231 have now been resolved. The Tribunal then proceeded to individual appeals. This Decision relates to Hearing Subphase 6C, Southwest Etobicoke. This Subphase includes Appeal Nos. 1, 27, 44, 57, 64, 85, 100, 133, 147, 197, 198, and 202.

[10] The subphase consists of a geographic cluster of generally contiguous properties, sharing both a local context and a general policy framework, given the close proximity of the properties.

## **SETTLEMENT MOTIONS**

[11] On November 22, 2022, the City made six motions which would settle the Appeals by the respective owners. The Tribunal approved the settlements orally, with written decision to follow.

### **Appeal No. 85 - 415 Evans Avenue and 302, 320 to 324 Horner Avenue (“Appeal No. 85”)**

[12] In July 2014, the owner of these lands, FIMA Development (“FIMA”), appealed the designation as Core Employment Areas. It is identified as Appeal No. 85.

[13] Subsequently, 851653 Ontario Inc. and 2242781 Ontario Inc., at 170 and 104 Evans Avenue, as well as the South Etobicoke Industrial Employers Association (“SEIEA”), all obtained party status to OPA 231. They are sheltering under Appeal No. 85 as Party No. 202 and Party No. 194, respectively.

[14] The FIMA lands are located just south of the Gardiner Expressway in the former municipality of Etobicoke, and within a larger Employment Area designated in OPA 231 as Core Employment Areas.

[15] 415 Evans Avenue is approximately 2.8 hectares, located on the south side of Evans Avenue and west of Kipling Avenue. There is a rail line to the east. A one-storey auto dealership now exists on the site. This use is not permitted in Core Employment Areas.

[16] The FIMA lands at 302, 320 to 324 Horner Avenue are approximately 6.47

hectares, located on the north side of Horner Avenue next to the rail line on the east, and west of Kipling Avenue. There are two low-rise non-residential buildings there. 320 Horner Avenue is presently a City of Toronto Seniors Center, and it is designated Core Employment Areas by OPA 231.

[17] This City Motion was for approval of a settlement reached respecting Appeal No. 85. The City sought an Order of the Tribunal modifying and approving OPA 231 as it relates to the lands known as 415 Evans Avenue and 302, 320 to 324 Horner Avenue to (i) redesignate 302, 322, 324 Horner Avenue from Core Employment Areas to General Employment Areas; (ii) confirm the designation of 320 Horner Avenue as Core Employment Areas; and (iii) add Site and Area Specific Policy 806 ("SASP 806") to Chapter 7 of the OP to permit an automotive dealership use on the lands at 415 Evans Avenue.

[18] This Motion was supported by the affidavit of Pauline Beaupre, Senior Planner in the Official Plan team, City Planning Division, who was qualified by the Tribunal to provide expert evidence in this Appeal. Her specific recommendations on this Appeal, and agreed to by Council, would be to modify Map 15 by re-designating the lands at 302, 322 and 324 Horner Avenue from Core Employment Areas to General Employment Areas, adding SASP 806 to Chapter 7 of the OP, and also to modify Map 26 to permit the existing use of an automotive dealership on the lands at 415 Evans Avenue.

[19] This would provide resolution of Appeal No. 85 in its entirety.

[20] Ms. Beaupre's professional opinion was that the proposed settlement represents good planning because the proposed modifications will achieve the policy objective of protecting and preserving Employment Areas for business and economic activities by maintaining employment uses there. It would prevent introduction of a sensitive land use, such as residential. It would provide for a broad range of stable employment opportunities, and retain sufficient availability of lands for both current and future needs.

[21] The addition of SASP 806 for the lands at 415 Evans Avenue will continue the existing employment use, an automotive dealership, which is also consistent with the adjacent property in the broader geography. This permission will not adversely affect the viability or stability of the employment area for existing and future businesses.

[22] In addition, the proposed SASP (**Attachment 1**) in Ms. Beaupre's opinion, conforms to the 2006 Growth Plan, is consistent with the 2020 Provincial Policy Statement, and represents good planning.

[23] These modifications resolve Appeal No. 85 in its entirety, together with those parties sheltering thereunder, being Party No. 202 and Party No. 194. Based on the evidence of Ms. Beaupre, the Tribunal approves of the recommended modifications.

**Appeal No. 1 - 7 and 2-12 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-17 Sinclair Street ("Appeal No. 1")**

[24] In 2012, 10 QEW Inc., owner of lands at 2, 7, 10 and 12 Queen Elizabeth Boulevard, 506, 514, 516, 520 and 522 Royal York Road and 3, 5, 15 and 17 Sinclair Street ("Property") had requested that the City convert the lands to a Mixed Use designation. This would permit uses similar to current uses, and also residential (including affordable housing), given the surrounding uses. This was Appeal No. 1.

[25] 10 QEW Inc. had appealed OPA 231 on a site-specific basis. OPA 231 had designated these lands as Core Employment Areas. Queenscorp (Royal York) Inc. ("Queenscorp") subsequently acquired the majority of the Property, and assumed carriage of Appeal No. 1.

[26] The owner Queenscorp now seeks the following to resolve its Appeal:

1. An Order modifying and approving OPA 231 as it relates to the lands

municipally known as 7 and 2-12 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-17 Sinclair Street to re-designate the eastern portion of the Lands from Core Employment Areas to Mixed Use Areas, to remove the Employment Areas overlay on Map 2, Urban Structure from the eastern portion of the Lands, and to add Site and Area Specific Policy No. 807 to guide development on part of the lands, namely 7 and 2-10 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street.

[27] The desired text is set out in Exhibit F to the affidavit of Gerry Rogalski, Senior Planner, Official Plan Section, City Planning Division. Mr. Rogalski was approved as an expert to provide the Tribunal with planning evidence for this settlement.

[28] The Property is approximately 1.7 hectares, and rectangular. Queen Elizabeth Boulevard intersects it, beginning at Royal York Road and extending westward. It is northwest of the Gardiner Expressway and Royal York Road and bounded by Sinclair Street to the north. It is mainly developed with office and automobile repair uses, but includes four (4) detached residential dwellings fronting onto Royal York Road.

[29] North and east of the Property are lands designated as Neighbourhoods. As noted in the Tribunal's earlier decision on phasing (case No. OLT-22-002343, formerly PL140860, dated April 8, 2021), the neighbourhood immediately across the street from the Property contains various residential uses, including detached and semi-detached housing. To the west are lands designated Core Employment Areas. The abutting properties contain office, automobile repair and restaurant uses.

[30] Discussions resulted in a proposed settlement approved by Council, following a counter-offer which was accepted by Queenscorp.

[31] In Mr. Rogalski's opinion, the proposed modifications to OPA 231 and the creation of new SASP represent good planning. They will retain a sizeable portion of the lands as Core Employment Lands, and locate the retained Employment Area lands

contiguous with the remainder of the Employment Area. They will increase existing Gross Floor Area of employment space on the SASP lands by thirty-three percent (33%). Redesignating the eastern portion of the lands to Mixed Use Areas will permit intensification of a mix of employment uses, other non-residential uses and residential uses in a suitable location, given the existing and planned context of the area. They will permit a mixed-use and mixed-income development in the Mixed Use Areas, as well as secure affordable housing.

[32] Mr. Rogalski also opined that the proposed modifications to OPA 231 and the addition of a new SASP (**Attachment 2**) conform to the 2006 Growth Plan, are consistent with the 2020 Provincial Policy Statement, and represent good planning. This settlement resolves Appeal No. 1 to OPA 231 in its entirety. The Tribunal approves of this Motion.

**Appeal No. 133 - Cinespace - 15 North Queen Street (“Appeal No. 133”)**

[33] The owner of 15 North Queen Street, Cinespace Studios Inc. (“Cinespace”) sought approval of a settlement with the City, and an Order modifying OPA 231 as it relates to its lands municipally known as 15 North Queen Street. This would add a new SASP to the lands to permit and broaden certain employment uses there. Municipal Planner Kyle Fearon, Senior Planner on the Official Plan Team of the Strategic Initiatives and Policy Analysis Section of the City Planning Division, provided expert testimony respecting this Appeal.

[34] In July 2014 the previous owner of the lands, Pamlimar Investment & Enterprises Limited (“Pamlimar”), appealed OPA 231, identified as Appeal No. 133. OPA 231 had designated the lands as Core Employment Areas. Pamlimar sought to re-designate the entire block bounded by North Queen Street, Kipling Avenue, The Queensway and the rail corridor, from Core Employment Areas to General Employment Areas.

[35] The lands were subsequently acquired by Cinespace and 2552317 Ontario Inc.,



which assumed carriage of Appeal No. 133.

[36] The Cinespace lands are located in Southwest Etobicoke. They have frontage on North Queen Street, and are bounded by North Queen Street to the north; Kipling Avenue to the east, The Queensway to the south (with the exception of certain properties at the northwest corner of Kipling Avenue and The Queensway); and a rail corridor to the west. They are occupied by a mix of storage, warehousing, processing and automobile dealerships.

[37] The area to the south and west of the lands, beyond the rail corridor, is designated in OPA 231 as Core Employment Areas.

[38] City Council has now accepted a proposed settlement (**Attachment 3**). This would add a new SASP to the lands, which includes the following:

1. Explicit permission for communication and broadcast facilities as a primary use and specific descriptions of the uses that are associated with such facilities;
2. Support for the primary use, and permission for associated and ancillary uses together with the primary use, including:
  - i. Facilities for hair and make-up rooms, dressing rooms, wardrobe, and fitting rooms, and others;
  - ii. Workshops;
  - iii. Training facility for educating adults in the communication and productions industry;
  - iv. Storage and warehousing;

- v. Distribution, rental and repair of equipment used in the production of recordings;
- vi. Maintenance facilities and utility plants;
- vii. Small-scale retail and service facilities to serve employees and guests such as fitness centres and convenience retail and service shops;
- viii. Parking facilities; and
- ix. Studios for live performances or rehearsals that can also be used as special event space.

[39] In Mr. Fearon's expert opinion, the proposed modifications to OPA 231 and the creation of new SASP represent good planning. The proposed modifications will, among other benefits, (i) achieve the policy objective of protecting and preserving Employment Areas for business and economic activities; (ii) not adversely affect the overall viability of the Employment Area; (iii) maintain the designation of the lands as Core Employment Areas with the addition of associated and ancillary uses to support the primary employment use; and finally, (iv) limit the effect of drawing the general public into Core Employment Areas, by describing the function and scale of the land uses as complementary to the communication and broadcast facility only.

[40] Mr. Fearon also testified that the proposed modifications to OPA 231, as set out in Exhibit C to his Affidavit (**Attachment 3**), conform with the 2006 Growth Plan, are consistent with the 2020 Provincial Policy Statement, represent good planning for the City of Toronto; and would bring about the resolution of Appeal No. 133 to OPA 231 in its entirety. The Tribunal accepts his evidence and approves of these amendments.

**Appeal No. 147 - 1025 The Queensway (“Appeal No. 147”)**

[41] The owner of these lands appealed OPA 231 seeking a redesignation of its lands from General Employment Areas to Mixed Use Areas. City staff met with the owner Talisker Queensway G.P.Inc. (“New Queensway”) frequently to discuss settlement. Ultimately a settlement offer was made by New Queensway, and at its July 2022 meeting Council made a counter-offer. New Queensway accepted the counter-offer as set out in Exhibit D of the affidavit of Gerry Rogalski, affirmed November 2, 2022.

[42] It includes SASP policies which secure additional affordable housing on the lands.

[43] In addition, New Queensway will withdraw its Conversion Request (under review as part of the City MCR under the Growth Plan) upon a final order being issued to resolve Appeal No. 147 and approve the proposed modifications to OPA 231.

[44] Mr. Rogalski, as mentioned qualified as an expert, gave his opinion that the proposed modifications to settle Appeal 147 (as set out in Exhibit E to his affidavit (**Attachment 4**) represent good planning, and have appropriate regard for matters of provincial interest in Section 2 of the Planning Act, are consistent with the provincial Policy Statement 2020, conform to the 2006 Growth Plan, and with the intent and purpose of the OP.

[45] Based upon the opinion evidence of Mr. Rogalski, the Tribunal approves of the modifications.

**Appeal No. 121 - 2006-2010 Dundas Street West (“Appeal No. 121”)**

[46] The owner of these lands, Jacinto Car Wash Ltd. (Party 203) (“Jacinto”) obtained party status on August 10, 2017, sheltering under Appeal No.121. Settlement discussions with City staff took place on several occasions. The City accepted the

settlement offer developed through those meetings and proposed by Jacinto, in July 2022.

[47] The City's Motion seeks an Order modifying OPA 231 as it relates to the lands 2006-2020 Dundas Street West by: retaining a portion of the lands within 30 metres from the rail corridor as Core Employment Areas; redesignating the balance of the lands to Mixed Use Areas; modifying existing SASP 154 to remove its application to the lands; and adding a new SASP to the OP to permit and retain certain uses as set out in Exhibit E to the affidavit of Janani Mahendran (**Attachment 5**).

[48] Janani Mahendran is a Senior Planner in the Strategic Initiatives, Policy and Analysis section of the City Planning Division. She is responsible for analyzing and advising on Official Plan planning policy matters and making recommendations on employment area conversion requests as part of the City's five-year official plan review.

[49] She affirms that the proposed OPA 231 modifications related to this property represent good planning; are consistent with Provincial Policy Statement 2020; conform to and do not conflict with the 2006 Growth Plan, and conform with the intent and purpose of the OP. They are consistent with matters of provincial interest identified in Section 2 of the Planning Act.

[50] The Tribunal accepts her evidence and approves of the modifications. The new SASP will be No. 818.

**Appeal No. 87 - Ethel Holdings Limited ("Appeal No. 87")**

[51] The owner also brought a Motion supported by the City to settle this Appeal. The predecessor owner filed an Appeal against the Minister's approval of OPA 231 on July 28, 2014. Ethel Holdings Inc. ("Ethel") provided notice of continuation of the Appeal on January 12th, 2021. The City and Ethel have worked together to develop a SASP which contains a series of provisions intended to recognize the lands as Mixed Use Area and

Parks, and not Core Employment Area as proposed in OPA 231. The proposed SASP, OPA 537 (Keele St Clair Secondary Plan), is set out in the affidavit of Bill Dalton in support of the Motion.

[52] The subject 5 hectares of lands are vacant. To the east is a building supply store with warehouses beyond, to the west is the George Bell Arena and Runnymede Park, and to the north, commercial and industrial uses. To the south there is a rail corridor, with a mixture of residential and mixed uses further south.

[53] The Affidavit of Bill Dalton, a well-qualified planner (Tab 3, Exhibit 1) set out the extensive reasons in support of his opinion that the proposed SASP has regard for matters of provincial interest in section 2 of the Planning Act, is consistent with the Provincial Policy Statement 2020, conforms with the 2006 Growth Plan and represents good planning principles that are in the public interest.

[54] On the aspect of rail safety, the affidavit of Michael Mikhail, a professional engineer specializing in rail safety (Tab 2, Exhibit 1) supports the Motion approving of the SASP in this respect. He opined that given the adjacency to the rail corridor, regard has to be had to safety measures that ensure compatibility between the proposed development and the rail corridor.

[55] He indicates that safety mitigation features have been designed considering a comprehensive set of rail safety guidelines. The details of protective features must still be developed. He concluded "Overall the risks to the Development from a train incident are low". Thus, the proposed safety measures ensure the compatibility of the proposed development and rail corridor.

[56] Based on the affidavit evidence of both the planner Mr. Dalton and the engineer Mr. Mikhail, the Tribunal grants the Motion and approves of SASP 537 (**Attachment 6**).

**ORDER**

[57] **THE TRIBUNAL ORDERS** that Appeal No. 85 to Official Plan Amendment No. 231 respecting the lands located at 415 Evans Avenue, 302, 320, to 324 Horner Avenue is allowed, and that:

1. OPA 231 is hereby modified and approved in accordance with Attachment 1 to this Order and that the modifications are hereby in full force and effect as it applies to the lands at 415 Evans Avenue, 302, 322 and 324 Horner Avenue;
2. the land at 320 Horner Avenue is hereby designated as Core Employment Areas;
3. Appeal No. 85 to OPA 231 is resolved in its entirety; and
4. Party No. 202, 851653 Ontario Inc. and 2242781 Ontario Inc. regarding 170 and 194 Evans Avenue and Party No. 194, South Etobicoke Industrial Employers Association ("SEIEA"), having sheltered under Appeal No. 85, no longer have party status to the OPA 231 proceedings as a result of the resolution of Appeal No. 85 in its entirety.

[58] **THE TRIBUNAL ORDERS** that Appeal No. 1 to Official Plan Amendment No. 231 respecting the lands located at 2, 7, 10 and 12 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-17 Sinclair Street is allowed and that:

1. OPA 231 is hereby modified and approved in accordance with Attachment 2 to this Order and that the modifications are hereby in full force and effect as it applies to the lands at 2, 7 and 10 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street;
2. the lands at 12 Queen Elizabeth Boulevard and 17 Sinclair Street are hereby designated Core Employment Areas; and

3. Appeal No. 1 to OPA 231 is resolved in its entirety.

[59] **THE TRIBUNAL ORDERS** that Appeal No. 133 to Official Plan Amendment No. 231 respecting the lands located at 15 North Queen Street is allowed, and that:

1. OPA 231 is hereby modified and approved in accordance with Attachment 3 to this Order and that the modifications are hereby in full force and effect as it applies to the lands at 15 North Queen Street; and
2. Appeal No. 133 to OPA 231 is resolved in its entirety.

[60] **THE TRIBUNAL ORDERS** that Appeal No. 147 to Official Plan Amendment No. 231 respecting the lands located at 1025 The Queensway is allowed, and that:

1. OPA 231 is hereby modified and approved in accordance with Attachment 4 to this Order and that the modifications are hereby in full force and effect as it applies to the lands at 1025 The Queensway; and
2. Appeal No. 147 to OPA 231 is resolved in its entirety;

[61] **THE TRIBUNAL ORDERS** that Appeal No. 121 to Official Plan Amendment No. 231 respecting the lands located at 2006-2010 Dundas Street West is allowed, and that:

1. OPA 231 is hereby modified and approved in accordance with Attachment 5 to this Order and that the modifications are hereby in full force and effect as it applies to the lands at 2006-2010 Dundas Street West; and
2. Appeal No. 121 to OPA 231 is resolved in its entirety.

[62] **THE TRIBUNAL ORDERS** that Appeal No. 143 to Official Plan Amendment No.

231 respecting the lands located at 87 Ethel Avenue is allowed, and that:

1. OPA 231 is hereby modified and approved in accordance with Attachment 6 to this Order and that the modifications are hereby in full force and effect as it applies to the lands at 87 Ethel Avenue, and that:
2. 2. Appeal No. 143 to OPA 231 is resolved in its entirety.

[63] **THE TRIBUNAL ORDERS** that Appeal No. 198, Q Developments regarding 1542, 1548 and 1550 The Queensway, 65 North Queen Street, and 15 Atomic Avenue, to OPA 231 is resolved in its entirety and that Q Developments no longer maintains party status to the within proceedings.

[64] **AND THIS TRIBUNAL ORDERS** that this Order and the approval of the above-mentioned portions of OPA 231 are without prejudice to the disposition of the unapproved portions of OPA 231, including but not limited to positions taken by the parties to any remaining site or area specific appeals. Thus, the Tribunal may render future Orders respecting such unapproved portions of OPA 231 which are inconsistent with one or more aspects of this Order, including without limitation approving site-specific modifications that deviate from or are inconsistent with this Order or such policies, non-policy text, that are approved hereby on a City-wide basis (or as approved in respect of other lands which are subject to the same policies, schedules and associated text). However, this does not affect the City's right to assert that the approved policies and non-policy text should be applied to the specific sites or areas without modification on the basis that they constitute good planning;

[65] **AND THIS TRIBUNAL ORDERS** that notwithstanding anything ordered above, the Tribunal hereby retains jurisdiction to consider and approve modifications to any policies, non-policy text, definitions, mapping approved herein as may be appropriate to dispose of any of the outstanding appeals before the Tribunal, in accordance with section 9 of the *Ontario Land Tribunal Act*, 2021, S.O. 2021, c. 4, Sched. 6;



[66] **AND THIS TRIBUNAL ORDERS** that it may be spoken to in the event some matter should arise in connection with the implementation of this Order.

*“G. Burton”*

G. BURTON  
VICE-CHAIR

*“D.S. Colbourne”*

D.S. COLBOURNE  
VICE-CHAIR

### **Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

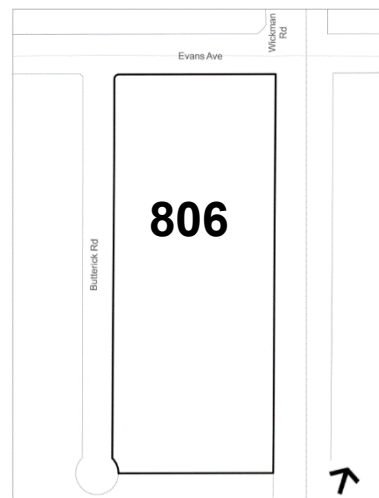
The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

**ATTACHMENT “1”*****Re: 415 Evans Avenue, 302, 320 to 324 Horner Avenue***

1. Map 15, Land Use Plan, is amended by redesignating the lands municipally known in 2021 as 302, 322, and 324 Horner Avenue from *Core Employment Areas* to *General Employment Areas*.
2. Chapter 7, Map 26 Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 806 with the following text and map:

**806. 415 Evans Avenue**

1. Automotive dealership uses are permitted.

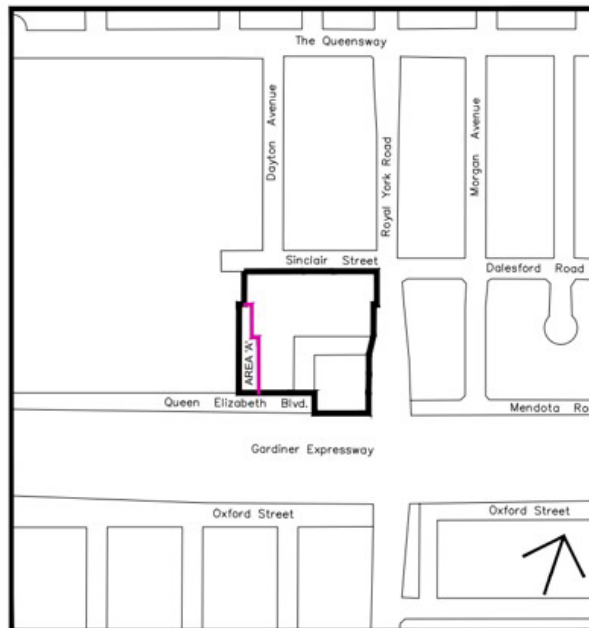


## ATTACHMENT “2”

### ***Re: 2, 7 & 10 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street***

1. Map 2, Urban Structure, shown as Appendix 1, is modified by deleting *Employment Areas* on the lands municipally known in 2022 as 2, 7 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street and a portion of 10 Queen Elizabeth Boulevard, as shown on attached Schedule A.
2. Map 41 of 48, shown in Appendix 2, is modified by redesignating the lands municipally known in 2022 as 2, 7 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street and a portion of 10 Queen Elizabeth Boulevard from *Core Employment Areas* to *Mixed Use Areas* except the lands identified as Area ‘A’ which are designated *Core Employment Areas*, as shown on attached Schedule B.
3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 807 for the lands known municipally in 2022 as 2, 7 & portions of 10 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street, as follows:

#### **“807. 2, 7 & 10 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street**

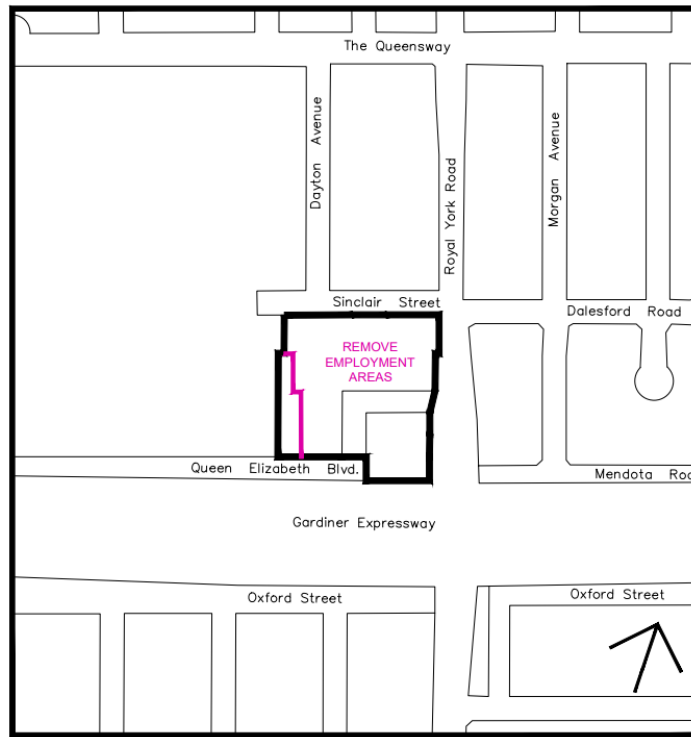
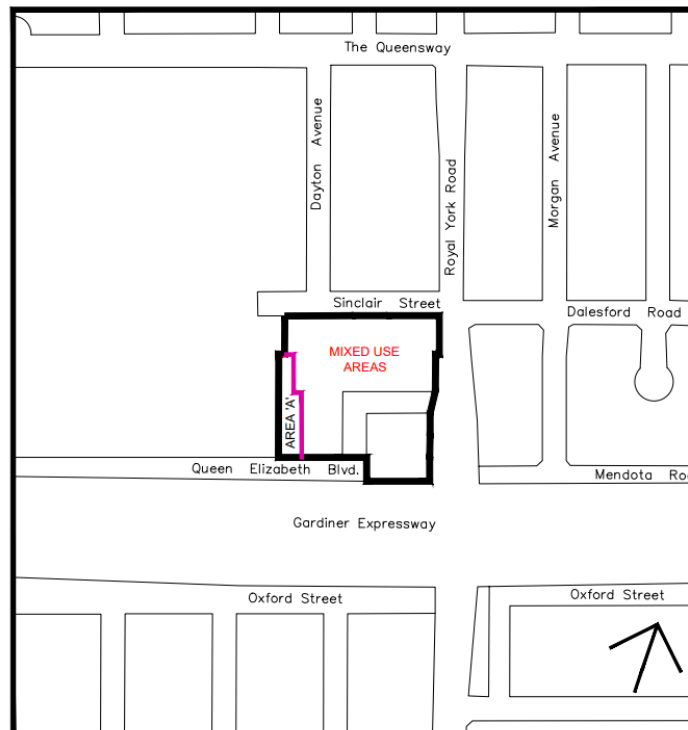


A mixed-use and mixed-income development is permitted provided that:

- a) A minimum of 6,000 square metres of employment gross floor area is developed at full build out of the lands. This employment gross floor area will:
  - i) be developed prior to or concurrent with any residential uses on the part of the lands designated *Mixed Use Areas*;
  - ii) include a minimum of 5,000 square metres developed on the part of the lands designated *Core Employment Areas* in Area 'A';
  - iii) be comprised of *Core Employment Areas* uses on the part of the lands designated *Core Employment Areas* (Area 'A') and these *Core Employment Areas* uses will be limited to those uses compatible with residential uses as determined through a Compatibility/Mitigation study; and
  - iv) include a minimum of 1,000 square metres of *General Employment Areas* uses on the part of the lands designated *Mixed Use Areas* or within Area 'A', and these *General Employment Areas* uses will be limited to those uses compatible with residential uses as determined through a Compatibility/Mitigation study.
  - v) Area 'A' may be used for underground parking, loading, service, access and/or mechanical facilities to serve the uses on the *Mixed Use Areas* portion of Site and Area Specific Policy No. 807 but residential uses are not permitted within Area 'A'.
- b) New development containing residential units on the lands will secure a minimum amount of affordable housing as follows:
  - i) if a condominium development is proposed, a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
  - ii) if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing;
  - iii) the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first

residential occupancy of the unit; and

- iv) the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.
- c) Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2025, the affordable rental housing required in Policy (b)(i) will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at one point four times the affordable rental housing requirements.
- d) The provision of affordable housing required by Policy b) shall be secured through one or more agreements with the City.
- e) Conditions to be met prior to the removal of a holding ("H") provision on the lands shall include the following:
  - i) Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and
  - ii) The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.
- f) If an Inclusionary Zoning By-law takes effect and is applicable to development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy b) and Policy c) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of Policy b) and Policy c) above.
- g) A new public park will be provided on the lands.
- h) A Community Services and Facilities Report will be provided to identify area services and facility needs and to inform the type(s), location(s) and amount(s) of facility space to be developed on the part of the lands designated *Mixed Use Areas*."

**Schedule A (modification to Map 2, Urban Structure)****Schedule B (modification to Land Use Plan)**

### ATTACHMENT “3”

#### *Re: 15 North Queen Street*

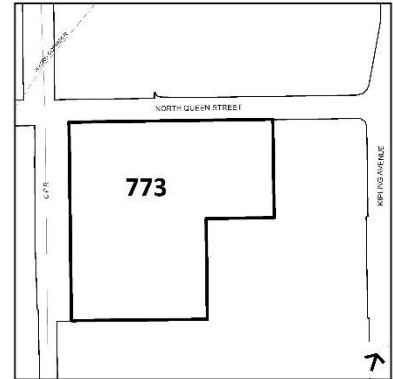
Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy

No. 773 for the lands known municipally in 2021 as 15 North Queen Street, as follows:

#### **773 15 North Queen Street**

a) The following communication and broadcast facilities uses are permitted:

- i. Production studios for the purpose of recording sound, visual images, live action and/or special effects and virtual production (“**recordings**”);
- ii. Facilities for broadcasting television, radio and/or other media, including related control rooms and broadcasting equipment;
- iii. General and administrative offices for the production of recordings; and,
- iv. Facilities for screening recordings and technical post-production of recordings.



b) To support the primary recording uses, the following associated and ancillary uses are permitted together with the primary use:

- i. Facilities for hair and make-up rooms, dressing rooms, wardrobe, and fitting rooms, and others;
- ii. Workshops for artists and manufacturing, fabrication, and finishing (including woodworking, welding, moulding, plastering, painting, etc.) of theatrical sets, theatrical back-drops and props;
- iii. Training facility for educating adults in the communication and productions industry;
- iv. Storage and warehousing facilities for recording materials, props, costumes, theatrical sets and set decoration;

- v. Facilities for distribution or rental and repair of equipment used in the production of recordings;
- vi. Maintenance facilities and utility plant related to the communication and broadcast facilities;
- vii. Small-scale retail and service facilities to serve employees and their guests, including restaurants, fitness centres, and convenience retail and service shops;
- viii. Associated parking facilities; and
- ix. Studios for live performance or rehearsals that can be used as special event space.

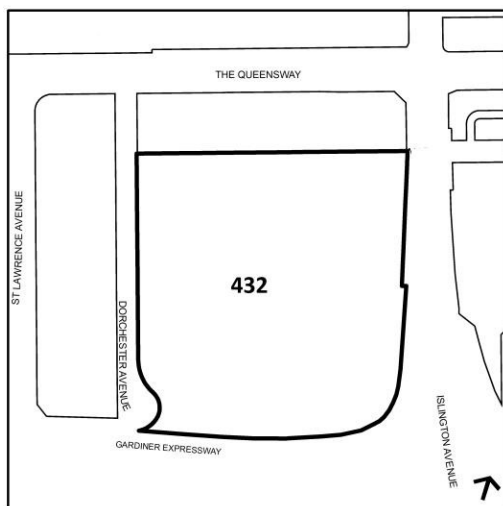


## ATTACHMENT “4”

### Re: 1025 The Queensway

1. Map 2, Urban Structure, shown in Appendix 1, is modified by deleting *Employment Areas* on the eastern and southern parts of the lands known municipally in 2021 as 1025 The Queensway.
2. Map 40 of 48, shown in Appendix 2, is modified so that the eastern and southern parts of the lands known municipally in 2021 as 1025 The Queensway are redesignated to *Mixed Use Areas*, as shown on attached Schedule 'A'.
3. Section 18, Chapter 7, Site and Area Specific Policies is modified by deleting Site and Area Specific Policy No. 432 respecting 1001-1037 The Queensway and replacing it with the following site and area specific policy for the lands known municipally in 2021 as 1025 The Queensway:

#### “ 432. 1025 The Queensway



1. A minimum of 14,500 square metres of employment gross floor area will be provided on the part of the lands designated *General Employment Areas* at full build out of the lands. This employment gross floor area will:
  - a. be comprised of *Core Employment Areas* and/or *General Employment Areas* uses that are compatible with residential uses as determined through a Compatibility/Mitigation study;
  - b. contain a minimum of 51 percent of the gross floor area devoted to *Core Employment Areas* uses such as but not limited to

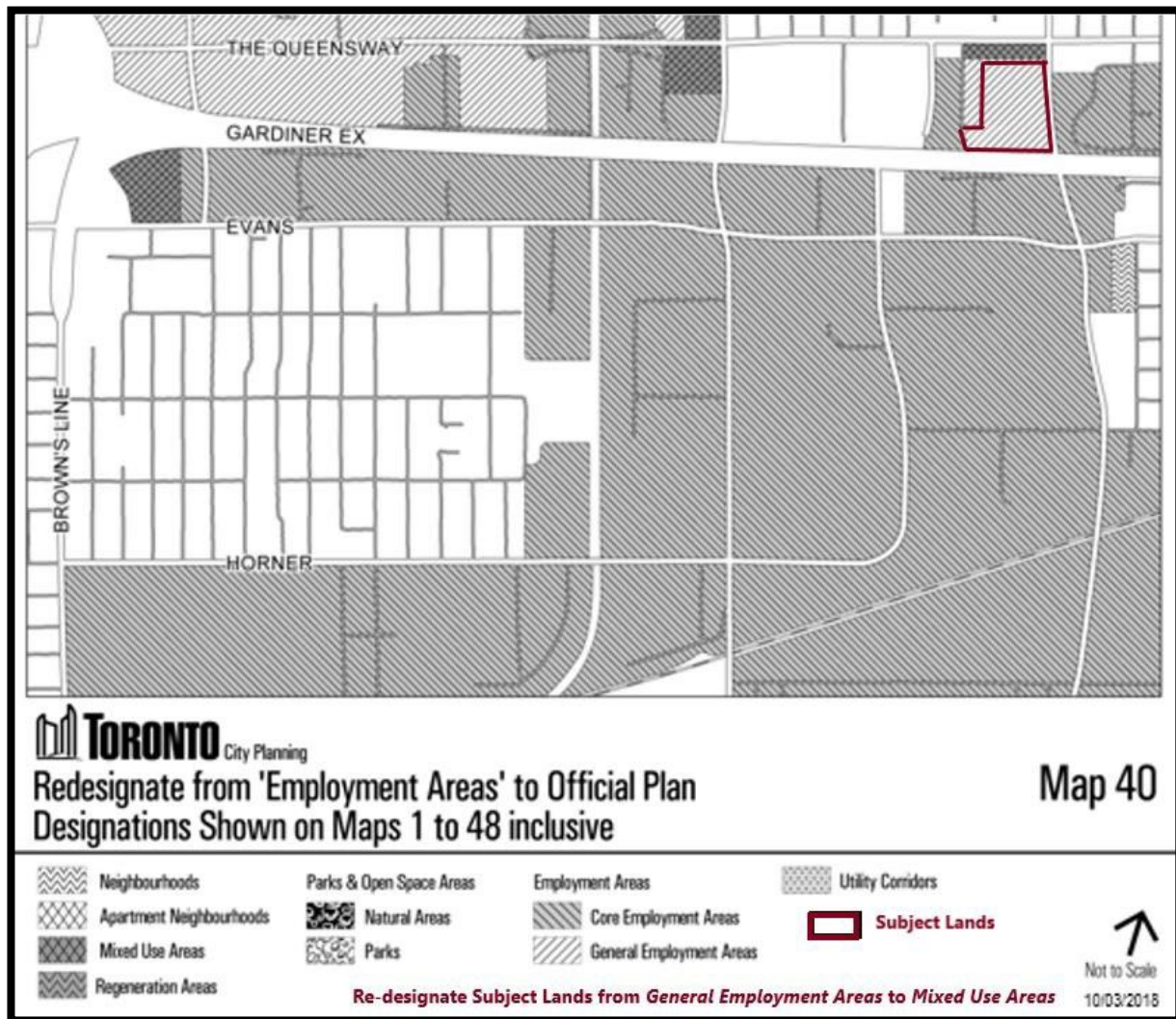
offices, performing arts studios, artist studios, research and development facilities, information and technology facilities, cultural industry spaces, incubators and/or co- working spaces;

2. A minimum of 2,500 square metres of non-residential gross floor area will be provided on the part of the lands designated *Mixed Use Areas* at full build out of the lands. Home occupation and live/work units will not contribute to the minimum required non-residential gross floor area.
3. The part of the lands designated *General Employment Areas* may be used for but not limited to, parking, loading, service, access and/or mechanical facilities to serve uses on the lands designated *Mixed Use Areas*.
4. Through the Zoning By-law Amendment process:
  - a. a Block Context Plan will be prepared to the satisfaction of the City to demonstrate how mid-rise buildings and tall buildings may be accommodated; and
  - b. a phasing strategy and implementation plan will be prepared to provide for the sequencing of development, including the construction of employment and other non-residential gross floor area to be constructed prior to or concurrent with residential gross floor area to provide a balance of employment and residential growth.
5. New development containing residential units on the portion of the lands designated *Mixed Use Areas* will secure a minimum amount of affordable housing as follows:
  - a. if a condominium development is proposed, a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
  - b. if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; and
  - c. in either case, the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and
  - d. in either case, the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.
6. Provided that a complete application for a Zoning By-law Amendment has

not been filed prior to January 1, 2025, the affordable rental housing required in Policy 5a. will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.

7. The provision of affordable housing required by Policy 5 shall be secured through one or more agreements with the City. ”
4. Map 26, Site and Area Specific Policies is modified so that the lands municipally known in 2021 as 1001-1023 and 1033-1041 The Queensway are not subject to Site and Area Specific Policy 432, and the lands municipally known in 2021 as 1025 The Queensway are subject to Site and Area Specific Policy 432.

## Schedule 'A'

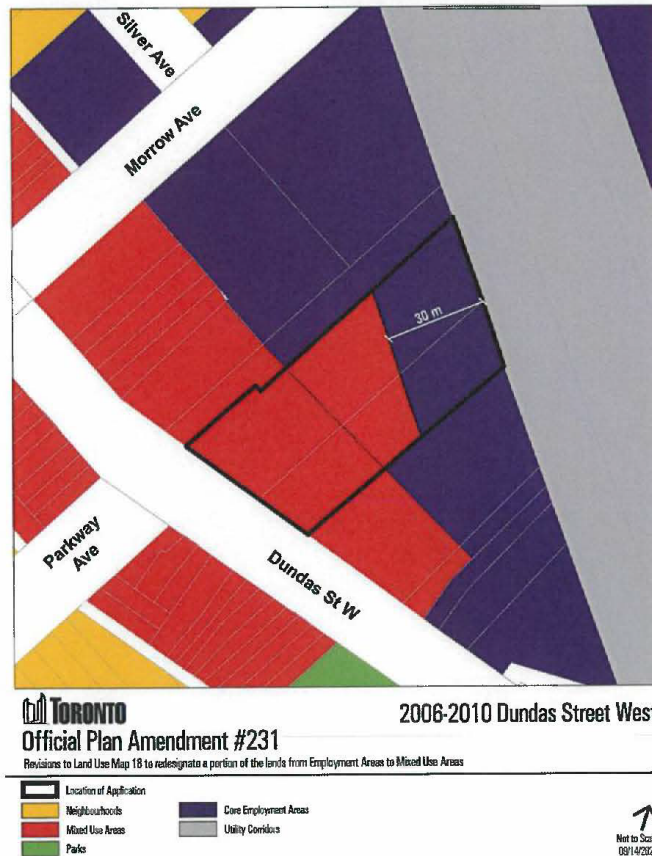


## ATTACHMENT “5”

### Modification to OPA 231 City of Toronto Official Plan

Official Plan Amendment No. 231 is modified as follows:

1. Map 2, Urban Structure, is amended by deleting *Employment Areas* for a portion of the lands known municipally in 2021 as 2006-2010 Dundas Street West.
2. Map 18, Land Use Plan is amended by re-designating a portion of the lands known municipally as 2006-2010 Dundas Street West, located more than 30 metres from the westerly property line of the CN/CP rail corridor from *Employment Areas* to *Mixed Use Areas*, as shown below.



3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 818 for the lands known municipally in 2021 as 2006-2010 Dundas Street West as follows:

**'818. 2006-2010 Dundas Street West**

- a) Sensitive land uses, including new residential uses, on lands designated *Mixed Use Areas* will be located, designed and buffered to mitigate impacts from, be compatible with, the ongoing operation and expansion of nearby employment uses, and any new employment uses within the surrounding *Core Employment Areas*.
- b) Any residential development within the *Mixed Use Areas* designation portion of the lands will provide a full range of housing in terms of tenure and affordability, and should provide a mix of unit types including units that are suitable for families with children and units that are accessible for seniors.
- c) Any redevelopment within the *Mixed Use Areas* designation portion of the lands will ensure that adjacent *Core Employment Areas* portion of the lands are accessed from Dundas Street West, to ensure no lots become landlocked.
- d) New non-residential uses in the lands designated as *Core Employment Areas* will be located and designed to mitigate impacts from and be compatible with the rail corridor and be compatible with new mixed use development in the adjacent *Mixed Use Areas* on the lands, to the City's satisfaction.
- e) A minimum of 2,000 square metres or 15% of the total gross floor area of the development, whichever is greater, will be employment gross floor area that:
  - i. will be comprised of uses permitted in *Core Employment Areas* and *General Employment Areas* that are compatible with residential uses determined by a Compatibility/Mitigation Study;
  - ii. will be constructed on the lands prior to or concurrent with any residential gross floor area; and
  - iii. a minimum of 51% of the required employment gross floor area shall be *Core Employment Areas* uses such as artist studios, creative industry spaces, warehousing, offices, performing arts studios, light manufacturing, offices, incubator and/or co-working space.
- f) A variety of employment types, including a range of non-residential unit sizes and value-added creative industry spaces will be encouraged in the redevelopment of the lands.
- g) For new development within the 30 metre setback adjacent to the rail corridor on the lands designated *Core Employment Areas*, only the following uses are permitted:
  - i. rail safety and vibration/noise mitigation structures and open space; and
  - ii. auxiliary building and/or structures used for activities with low numbers of users such as parking, storage, warehousing and loading.

- h) As part of a Zoning By-Law Amendment application, an alternative to the requirements in policy g) may be proposed through a peer-reviewed Rail Safety and Mitigation Report that is acceptable to the City and the applicable rail operator; however, only *Core Employment Areas* uses may be permitted within the *Core Employment Areas* portion of the lands.
- i) A portion of a building situated within the *Core Employment Areas* portion of the lands may be used for parking, loading, service, access and/or mechanical facilities that serve both the users of the *Mixed Use Areas* portion of the development and users of the *Core Employment Areas* portion of the development. No residential uses are permitted within the *Core Employment Areas*.
- j) As part of a complete Zoning By-law Amendment application:
  - i. a Compatibility/Mitigation Study, Noise Impact Study and Vibration Study shall be submitted, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction.
  - ii. a Rail Safety and Rail Mitigation Report shall be submitted, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction, and reviewed by the applicable rail operator.'



## ATTACHMENT “6”

223

### Exhibit C: Site and Area Specific Policy (SASP) for 87 Ethel Avenue

#### SITE AND AREA SPECIFIC POLICY FOR 87 ETHEL AVENUE FOR ITS OPA 231 APPEAL - SETTLEMENT HEARING AT THE ONTARIO LAND TRIBUNAL

Official Plan Amendment No. 231 is amended as follows:

1. Map 2, Urban Structure, shown as Appendix 1 in OPA 231, is amended by deleting *Employment Areas* on the lands known municipally in 2022 as 87 Ethel Avenue.
2. Map 33 of 48, shown as Appendix 2 in OPA 231 is amended by redesignating the lands known municipally in 2022 as 87 Ethel Avenue from *Core Employment Areas* to *Mixed Use Areas* and *Parks* as shown in Schedule A below.

The City of Toronto Official Plan is amended as follows:

1. Map 2, Urban Structure is amended by deleting *Employment Areas* on the lands known municipally in 2022 as 87 Ethel Avenue.
2. Map 8A, City Parkland is amended by adding the park at the western end of the lands as shown in Schedule A below.
3. Map 17 Land Use Plan is amended by re-designating the lands known municipally in 2022 as 87 Ethel Avenue from *Core Employment Areas* to *Mixed Use Areas* and *Parks* as shown in Schedule A below.
4. Map 28, Site and Area Specific Policies is to be amended to identify the Site and Area Specific Policies No. \_\_\_\_ for the lands known municipally in 2022 as 87 Ethel Avenue.
5. Chapter 7, Site and Area Specific Policies is to be amended by adding a new Site and Area Specific Policy No. \_\_\_\_\_ for the lands known municipally in 2022 as 87 Ethel Avenue, as follows:

#### “ \_\_\_\_\_. 87 ETHEL AVENUE

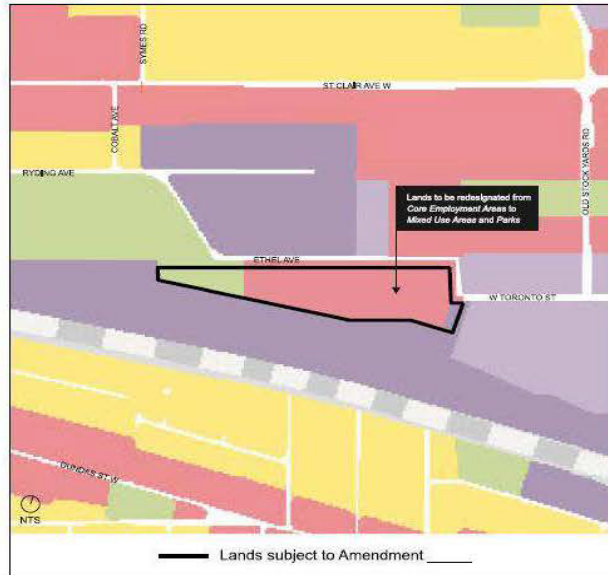
- (a) Redevelopment of the lands identified in Schedule A will create a new mixed use development that will contain residential and a broad mix of non-residential uses; as well as a public park and a pedestrian path that:
  - i. Connects to and enhances the existing Runnymede Park to the west of the lands; and
  - ii. Improves vehicular, pedestrian and bicycle connections by way of its private road system within the lands; and will incorporate the lands into the surrounding community.



- (b) On the lands identified as *Mixed Use Areas* as shown in Schedule A below, the following development and use provisions will apply:
  - i. A maximum total gross floor area of 102,399 sq.m;
  - ii. 7.0% of the total gross floor area will be for non-residential uses;
  - iii. 10% of the total number of residential units are to be affordable; and
  - iv. Building heights are not to exceed 34 storeys above grade, exclusive of mechanical penthouse at the top of the buildings.
- (c) A public park will be provided on the western end of the lands as shown in Schedule A below. This public park will utilize 15% of the lands.
- (d) A crash wall derailment protection feature is to be provided on the lands identified in Schedule A as detailed in the report entitled *Proposed Mixed Development: 87 Ethel Avenue: Derailment Protection Report prepared by JSW + Associates dated April, 2022*.
- (e) Large-scale, stand-alone retail stores and "power centres" are prohibited from locating on the lands identified in Schedule A.
- (f) Home occupation and live/work units on the lands identified in Schedule A will not contribute to the non-residential gross floor area.
- (g) As part of a complete Zoning By-law amendment application for development of the lands identified in Schedule A, the following is to be submitted:
  - (i) Servicing Plan that identifies water, sanitary and stormwater infrastructure for the lands and off-site improvements required to support the development on the lands;
  - (ii) Transportation Plan that identifies the private transportation infrastructure for the lands, off-site improvements and connections to adjacent areas required to support the development on the lands;
  - (iii) An addendum to the May, 2021 and April 20, 2022 reports entitled *Community Services and Facilities Review* prepared by IBI Group to provide an update on services and facilities needs and strategies to support the development on the lands; and
  - (iv) Phasing Strategy and Implementation Plan that addresses phasing to ensure the provision of adequate infrastructure, facilities and amenities to support the creation of a complete community. The Phasing Strategy will:
    - a. Set out a residential unit count and non-residential floor area, as may be applicable, for the lands for each phase of development;
    - b. Outline physical infrastructure improvements and community services and facilities required to be implemented prior to the completion of any phase of development to support the development; and

- c. Be implemented through a Zoning By-law Amendment and secured through appropriate legal agreements, including public easements where required.
- (h) Boundaries of land use designations on Schedule A below are general and where the intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan."

## Schedule A



**Toronto** City/Parish

Schedule \_\_\_\_

City of Toronto Official Plan  
 Neighbourhoods  
 Mixed Use Areas  
 Parks  
 General Employment Areas  
 Core Employment Areas

ST Ethel Avenue  
 Amendment to City of Toronto Official Plan  
 September 13, 2022

**TORONTO** City Planning

87 Ethel Avenue

Official Plan Amendment #231 Appeal No.143 LPAT, Schedule "A"

Modify (i) Map 33 of 48, shown as Appendix 2 in OPA 231; (ii) the City Parkland, Map 8A; and (iii) Land Use Plan, Map 17 of the City of Toronto Official Plan by redesignating the lands from *Core Employment Areas* to *Mixed Use Areas* and *Parks*.

Not to scale