

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: April 19, 2018

CASE NO(S): PL140860
PL160109

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Appellant: Multiple Appellants
Subject: Proposed Official Plan Amendment No. 231
Municipality: City of Toronto
OMB Case No.: PL140860
OMB File No.: PL140860
OMB Case Name: A. Mantella & Sons Limited v. Toronto (City)

PROCEEDING COMMENCED UNDER section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 33 of the Board’s Rules of Practice and Procedure

Request by: D.Crupi & Sons Ltd. and Al Reisman Limited
Request for: Request for Directions

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Satin Finish Hardwood Flooring Ontario Limited
Subject: Failure of City of Toronto to announce a decision respecting Proposed Official Plan Amendment No. 13 277919 WET 11 OZ
Municipality: City of Toronto
OMB Case No.: PL160109
OMB File No.: PL160109
OMB Case Name: Satin Finish Hardwood Flooring Ontario Limited v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Subject:	Satin Finish Hardwood Flooring Ontario Limited Application to amend Zoning By-law No. 1-83 and Zoning By-law 7625 - Refusal or neglect of City of Toronto to make a decision
Existing Zoning:	Prestige Employment (PE) and Multiple Family Dwellings First Density Zone (RM1-31)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit 99 three-storey townhouse units on 18 blocks with a private street network.
Property Address/Description:	8 Oak Street
Municipality:	City of Toronto
Municipality File No.:	13 277919 WET 11 OZ
OMB Case No.:	PL160109
OMB File No.:	PL160110

Heard: February 13 and 26, 2018 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

See Attachment 1

MEMORANDUM OF ORAL DECISION DELIVERED BY R. G. M. MAKUCH ON FEBRUARY 13 AND 26, 2018 AND ORDER OF THE TRIBUNAL

[1] This is the eighth Pre-hearing Conference (“PHC”) respecting appeals against Official Plan Amendment No. 231 (“OPA 231”) “Employment Areas Lands” adopted by City of Toronto (“City”) Council.

Compatibility/Mitigation Phase Hearing

[2] The Tribunal ordered that any party wishing to participate either as a participant or party and who wishes to advance issues in this phase of the hearing shall advise the

City not later than end of day on February 21, 2018 of any issues intended to be raised.

[3] The Tribunal set aside **Monday, February 26, 2018 at 9 a.m.** by way of Telephone Conference Call to hear submissions as to any dispute relating to proposed issues. The Board held this PHC to hear submissions from counsel for the City, 10 QEW Inc., Midland Corporate Centre, Samuel Sarick Limited and the Building Industry Land Development Association, Pier 27, Queen's Quay Avante Ltd., and 1147390 Ontario Ltd. respecting the Issues List, Attachment 2. The City argued that some of the issues raised by the parties were not proper for this phase of the hearing, which was to review city-wide policies of a general application but were more appropriate for the site specific phases of this proceeding to be heard following the hearings of the phases respecting general city-wide policies. The parties agreed that they could resolve this with further discussions.

[4] Concern was also raised by Counsel for Pier 27, Queen's Quay Avante Ltd., and 1147390 Ontario Ltd. concerning the applicability of OPA 231 to what was referred to as the "Waterfront Lands" and Official Plan Amendment No. 257. Counsel for the City advised the Board that the City took the position that OPA 231 did not apply to these lands and that written assurances could be provided to these parties respecting this issue.

[5] This phase of the hearing will commence at **10 a.m. on Wednesday, May 23, 2018**. The hearing will take place at:

**Local Planning Appeal Tribunal
655 Bay Street,
16th Floor
Toronto, ON**

[6] This Phase of the hearing will be governed by Attachment 3 hereto.

Sensitive Uses within Employment Areas

[7] This Phase of the hearing will commence at **10 a.m. on Monday, July 9, 2018.**

The hearing will take place at:

**Local Planning Appeal Tribunal
655 Bay Street,
16th Floor
Toronto, ON**

[8] The Tribunal orders that any party wishing to participate either as a participant or party and who wishes to advance issues in this Phase of the hearing shall advise the City no later than the end of day on March 13, 2018 of any issues intended to be raised in this Phase.

Conversion/Forecasting Phase

[9] The Tribunal orders that any party wishing to participate either as a participant or party and who wishes to advance issues in this Phase of the hearing shall advise the City not later than the end of day on March 13, 2018 of any issues intended to be raised.

[10] The Tribunal will issue a Procedural Order and set a date for the hearing of this phase at a later time.

Day Cares and Educational Facilities in Employment Areas

[11] This Phase of the hearing has now been completed and the Tribunal orders that this Phase has now concluded with all appeals related thereto having been disposed of by the Board.

Office Replacement Policies

[12] The Board was advised that the parties have made progress towards settlement of these issues during Board assisted mediation and are requesting that further mediation take place and are not requesting that a date for a hearing be set at this time.

Motions Adjourned to Next PHC

- Nova-Depot Motion for Party Status.
- 390 Dufferin GP Inc. Motion to approve modifications to SASP 516.
- Sina Majidi Motion for Party Status respecting 1111A Finch Avenue West.
- Lakeshore Planning Council Corporation Motion for Party Status respecting 2150 Lakeshore Boulevard West.

Motion by 1289777 Ontario Limited for Consolidation its Appeal against OPA 231 with Appeals against OPA 363 (Case No. PL170125)

[13] The Board was advised that this motion will not be proceeded with at this time and is hereby adjourned *sine die*.

Motion Approval of Settlement - Appeal No. 2 respecting 2 Wickman

[14] The City brings this motion with the consent of Dunpar Development Holdings Inc. ("Dunpar") for an Order of the Board approving Site and Area Specific Policy No. 541 in Chapter 7 of the Official Plan as it relates to the lands municipally known as 2 Wickman Road ("Lands").

[15] The materials before the Board on this Motion consist of the City's Motion Record dated February 2, 2018, including the affidavit of Christina Heydorn sworn February 2, 2018.

[16] The Board is satisfied based on the uncontroverted Affidavit evidence of Ms. Heydorn that the proposed settlement represents appropriate land use planning and should be approved.

[17] Dunpar is the owner of lands municipally known as 2 Wickman Road and is Appellant No. 82 ("Appeal No. 82") to the appeals of OPA 231 before this Board.

[18] Pursuant to the Board's order dated June 3, 2015, Dunpar was granted party status to the appeals of OPA 231 and in accordance with the Board's directions, Dunpar submitted its Issues List to the City in November of 2015 regarding Appeal No. 82 in relation to the Lands. In 2016, Dunpar participated in the proceedings for Phase 1A to the OPA 231 hearing, which addressed non-sensitive uses within employment areas.

[19] Dunpar and City staff entered into discussions regarding Dunpar's appeal to OPA 231 respecting the Lands and the surrounding area. These discussions resulted in a settlement between Dunpar and the City, resolving Dunpar's appeal as it relates to the Lands. The settlement consisted of modifying OPA No. 231 with respect to the lands only by adding a Site and Area Specific Policy, SASP 541, to Chapter 7 of the Plan to permit an automobile dealership on the Lands, with necessary conditions that secure the policy intent of OPA 231.

[20] Council, at its meeting on December 5- 8, 2017, agreed to the settlement and instructed the City Solicitor to support the settlement at the Board hearing.

[21] Accordingly, the Tribunal will allow the appeal and hereby modifies OPA 231 in accordance with Attachment 3 hereto (Exhibit C to the Affidavit of Christina Heydorn).

Motion for Approval of Settlement - Appeal No. 82 respecting 2650 and 2672 St.Clair Avenue West

[22] The City brings this Motion with the consent of Dunpar for an Order of the Board approving Site and Area Specific Policy No. 540 in Chapter 7 of the Official Plan as it relates to the lands municipally known as 2650 and 2672 St. Clair Avenue West (“Lands”).

[23] The materials before the Board on this Motion consist of the City’s Motion Record dated February 2, 2018, including the Affidavit of Christina Heydorn.

[24] The Board is satisfied based on the uncontroverted affidavit evidence of Ms. Heydorn that the proposed settlement represents appropriate land use planning and should be approved.

[25] Dunpar is the owner of Lands referred to above and is Appellant number 82 (Appeal No. 82) to the appeals of OPA 231 before this Board.

[26] Pursuant to the Board’s order dated June 3, 2015, Dunpar was granted Party status to the appeals of OPA 231 and in accordance with the Board’s directions, Dunpar submitted its Issues List to the City in November of 2015 regarding Appeal No. 82 in relation to the Lands.

[27] In 2016, Dunpar participated in the proceedings for Phase 1A to the OPA 231 hearing, which addressed non-sensitive uses within employment areas. Dunpar and City staff entered into discussions regarding Dunpar’s appeal to OPA 231, the Lands as well as the surrounding area. These discussions resulted in a settlement between Dunpar and the City, resolving Dunpar’s appeal as it relates to the Lands.

[28] The settlement between the City and Dunpar consisted of modifying OPA 231 with respect to the Lands only by redesignating a portion of the Lands to

Neighbourhoods and adding a new Site and Area Specific Policy No. 540, to Chapter 7 of the Plan to permit employment and residential uses on the Lands, with conditions to secure the policy intent of OPA 231.

[29] Council, at its meeting on December 5- 8, 2017, agreed to the settlement and instructed the City Solicitor to support the settlement at the Board hearing.

[30] Accordingly, the Tribunal will allow the appeal and hereby modifies OPA 231 in accordance with Attachment 3 hereto (Exhibit C to the Affidavit of Christina Heydorn sworn February 2, 2018).

Motion for Approval of Settlement - Appeal No. 166 respecting 3125, 3381, 3389 Steeles Avenue and 3900-4000 Victoria Park Avenue

[31] The City brings this Motion with the consent of STC Investments Nominee Inc. (“STC”) for an Order of the Board approving Site and Area Specific Policy No. 394 in Chapter 7 of the Official Plan as it relates to the lands municipally known as 3125, 3381 and 3389 Steeles Avenue East and 3900-4000 Victoria Park Avenue (“Lands”).

[32] The materials before the Board on this Motion consist of the City’s Motion Record dated February 2, 2018, including the Affidavit of Gerry Rogalski sworn February 2, 2018.

[33] The Board is satisfied based on the uncontroverted affidavit evidence of Mr. Rogalski that the proposed settlement represents appropriate land use planning and should be approved.

[34] STC is the owner of lands municipally known as 3125, 3381 and 3389 Steeles Avenue East and 3900-4000 Victoria Park Avenue (the “Lands”) and is appellant number 166 (“Appeal No. 166”) to the appeal of OPA 231 before this Board.

[35] The Official Plan Review and Municipal Comprehensive Review (“MCR”) that led to Council’s adoption of OPA 231 in 2014 designated the Lands as General Employment Areas, which permits uses found in Core Employment Areas such as offices, manufacturing, restaurants, retail and service uses.

[36] The Minister’s decision in 2014 to approve most of OPA 231 included approval of a Site and Area Specific Policy, No. 394 (“SASP 394”), Business Parks along the Don Valley Parkway Corridor which applies to the Lands and other lands and business parks along the Don Valley Parkway.

[37] The intent of SASP 394 is to support, ‘amenitize’ and animate these office parks to make them more attractive for businesses, their employees and encourage office development. As such, SASP 394 has the effect of excluding the following uses unless these uses are located in multi-storey buildings that also include offices and/or other Core Employment Area uses: major retail, restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services.

[38] STC appealed OPA 231 on the basis that the effect of SASP 394, as described in paragraph 4 above, is not appropriate for the Lands. In July 2016, STC submitted an application to the City for Site Plan Control that seeks approval of a Master Site Plan to guide future development of the Lands with the development of some of the uses permitted under SASP 394 in a standalone format.

[39] Shortly thereafter, the City and STC entered into settlement discussions, eventually resulting in a settlement of STC’s appeal to OPA 231, as it relates to the Lands.

[40] Council, at its meeting on November 7 to9, 2017, agreed to the settlement and instructed the City Solicitor to support the settlement at the next Board hearing.

[41] The proposed modification, as shown at Exhibit B to the Affidavit of Mr. Rogalski, would allow for the development of Lands with some of the permitted uses under SASP 394 in a stand-alone format.

[42] Accordingly, the Tribunal hereby modifies OPA 231 in accordance with Attachment 3 hereto (Exhibit B to the Affidavit of Gerry Rogalski).

[43] The approval of the modification to SASP 394 as it relates to the Lands will resolve STC's appeal, Appeal No. 166, of OPA 231 in its entirety.

Motion for Approval of Settlement - Appeal No. 10 respecting 844 Don Mills Road and 1150 Eglinton Avenue

[44] The City brings this motion with the consent of Celestica International Inc. ("Celestica") for an Order of the Board approving a modification to Site and Area Specific Policy No. 511 in Chapter 7 of the Plan approved by the Board by Order dated June 22, 2017.

[45] The materials before the Board on this Motion consists of the City's Motion Record dated February 2, 2018 including the Affidavit of Gerry Rogalski.

[46] The Board is satisfied based on Mr. Rogalski's uncontroverted affidavit evidence that the proposed settlement represents appropriate land use planning and should be approved by the Board.

[47] Celestica is the owner of lands municipally known as 844 Don Mills Road and 1150 Eglinton Avenue East and was Appellant No. 10 ("Appeal No. 10") to OPA 231.

[48] The Official Plan Review and MCR that led to Council's adoption of OPA 231 included a SASP 394, *Business Parks along the Don Valley Parkway Corridor* which applied to the Lands and other lands and business parks along the Don Valley Parkway.

The Minister's decision in 2014 to approve most of OPA 231 included approval of SASP 394 and designated the Lands as *General Employment Areas*.

[49] The intent of SASP 394 is to support, 'amenitize' and animate these office parks to make them more attractive for businesses, their employees and encourage office development. One of the uses SASP 394 permits is workplace daycares.

[50] In and around May 2016, the City and Lifetime Pearl Street Inc. ("LPS"), acting as agent to Celestica, entered into settlement discussions, resolving Celestica's appeal to OPA 231, as it relates to the Lands.

[51] The settlement between the City and LPS consisted of modifying OPA 231 with respect to the Lands by adding a new Site and Area Specific Policy No. 511, (SASP 511), to Chapter 7 of the Plan which re-designated the west part of the Lands from *General Employment Areas* to *Regeneration Area*.

[52] As part of the settlement, the remaining east portion of the Lands remained *General Employment Areas* but set out a development framework for that part of the Lands which contemplated the development of an office building, with retail and services uses as amenities. The settlement was approved by the Board in its decision dated June 22, 2017. The approval of SASP 511 as it relates to the Lands resolved Celestica's appeal, Appeal No. 10, of OPA 231.

[53] In late 2017, City Planning staff began its review of development applications regarding a proposed development of the Lands, which includes an office building at the northwest corner of Don Mills Road and Eglinton Avenue. The location of the proposed office building is on the east portion of the lands that are designated as *General Employment Areas*.

[54] In reviewing these applications, City Planning staff determined that a workplace daycare is needed and desirable in the office building and noted that the permission for

workplace daycare on the east portion of the Lands was not carried over from SASP 394 into SASP 511. This was an oversight on both the part of the City and LPS according to Mr. Rogalski.

[55] The *General Employment Areas* designation does not permit workplace daycares in the absence of a Site and Area Specific Policy permission.

[56] In light of the foregoing, City staff and LPS considered the workplace daycare use in the proposed office building, the text of SASP 511 that was approved by the Board in 2017 and the negotiations between the parties that led to the settlement of Celestica's appeal to OPA 231. As such, LPS advised City staff that it supports including a workplace daycare in the office building through a modification to SASP 511. LPS requested that Council authorize City staff to seek the Board's approval of a modification to SASP 511 to permit workplace daycares on the Lands designated as *General Employment Areas*.

[57] At its meeting on December 5-8, 2017, Council supported the modification to SASP 511 as attached at Exhibit C to the Affidavit of Gerry Rogalski, affirmed February 2, 2018, and directed the City Solicitor to attend at the Board in support of the request to modify SASP 511.

[58] Accordingly, the Tribunal will allow the appeal and hereby modifies OPA 231 in accordance with Attachment 3 hereto (Exhibit C to the Affidavit of Gerry Rogalski, sworn February 2, 2018). The effect of this modification is to add workplace daycares to policy (h)(i) of SASP 511 as a use that may be established on the *General Employment Area* portion of the Lands subject to SASP 511.

Satin Finish Hardwood Flooring Ontario Limited (Satin Finish) Motion for Consolidation of Appeals respecting 8 Oak (Decision reserved)

Satin Finish brings a Motion for an Order of the Board:

- 1) Scoping Appeal No. 157 in PL140860, being the appeal of OPA 231 filed by Satin Finish, to the following:
Appendix 1, Map 2 Urban Structure, as it applies to 8 Oak Street only; and
- 2) Appendix 2, Map 12, as it applies to 8 Oak Street only;
- 3) Releasing the scoped Satin Finish appeal of OPA 231 (Satin Finish OPA 231 Appeal) from the remaining appeals of OPA 231 pending in PL140860.
- 4) Directing that the Satin Finish OPA 231 Appeal may be consolidated into OMB Case No. PL160109, being Satin Finish's private appeals of its site-specific official plan and zoning by-law amendment applications affecting 8 Oak Street, Toronto (Private Appeals).
- 5) Directing that all findings and determinations made in the "Consolidated 8 Oak Street Proceeding" described above shall be without prejudice to the appeals, positions and evidence of all remaining OPA 231 appellants and parties, including the City of Toronto.
- 6) Directing that the Satin Finish OPA 231 Appeal ultimately be disposed of in accordance with the Decision and Order issued in the Consolidated 8 Oak Street Proceeding.
 - a) The materials before the Board on this Motion consist of:
 - b) Satin Finish Motion Record dated November 27, 2017, including the Affidavit of Antonio Volpentesta, sworn November 23, 2017; and
 - c) The City's Response to Motion dated December 8, 2017, including the affidavit of Christina Heydorn sworn on December 8, 2017.

Background

[59] Satin Finish owns the property known municipally as 8 Oak Street in Toronto. The site is 2.57 hectares (6.35 acres) in size and is located at the northeast corner of Oak Street and Knob Hill Drive, just east of Weston Road. Under the in-force Toronto Official Plan, 8 Oak Street is within an *Employment Area* on the City's Urban Structure

Map 2. The site is currently designated *Employment Areas* and *Utility Corridors* on Land Use Map 14. The entire site is proposed by the City to be re-designated as *General Employment* under OPA 231 (Map 12). The subject site is now a brownfield site containing a vacant warehouse and office space, portions of which are in the process of being demolished following the relocation of the Satin Finish business to another site.

[60] Satin Finish participated in the MCR associated with OPA 231 and made submissions to the City as part of this process indicating that its existing hardwood flooring manufacturing and storage use was ceasing and that Satin Finish wished to re-designate and rezone the subject site to permit medium-to-high density residential uses. It is noted that notwithstanding these submissions, the proposed designation of the site under OPA 231, as adopted and approved, remained *General Employment*. Satin Finish subsequently appealed the Minister's decision to approve OPA 231 respecting Map 12 as it relates to 8 Oak Street and all of the policies of OPA 231 applicable to 8 Oak Street.

[61] Satin Finish had prior to City Council's adoption of OPA 231 filed an application seeking to re-designate and rezone 8 Oak Street to permit a residential townhouse development consisting of 99 three-storey townhomes. Satin Finish appealed City Council's non-decision respecting these applications (PL160109). These private appeals proceeded to a number of PHC's, where re-submissions of the applications were discussed as well as dealing with the interplay between the private appeals and the appeal of OPA 231. The Board scheduled a three-week hearing to hear these appeals commencing on July 4, 2017. City Council directed City staff to attend at this hearing and to oppose the Official Plan and Zoning By-law Amendment application at 8 Oak Street together with the site-specific appeal of OPA 231.

[62] At the commencement of the hearing, Member Swinkin raised concerns respecting the conversion of lands within an employment area to a non-employment use and that this can only occur through a MCR. He noted that while Satin Finish is a site-specific appellant to OPA 231, that appeal was not before him but rather was before this

panel of the Board. The hearing was adjourned to allow the parties to consider their options as to how to proceed.

[63] This motion seeks to address the above referred procedural concerns raised by Member Swinkin. It is argued by counsel for Satin Finish that addressing these concerns will allow the private appeals to proceed as was previously agreed to by the parties and approved by the Board in that case. This would require the release of the Satin Finish OPA 231 Appeal from the remaining appeals of OPA 231. Counsel for Satin Finish has indicated that it was prepared to withdraw all policy-related portions of its OPA 231 appeal, leaving only its appeal of the maps and the proposed designation of 8 Oak Street.

Satin Finish Position

[64] Satin Finish argues that it and the City had agreed upon the interplay of the private appeals and the Satin Finish OPA 231 Appeals: If the private appeals proved to be successful, the outcome would be implemented into OPA 231 through the Satin Finish OPA 231 Appeal. If the private appeals were not successful, then the Satin Finish OPA 231 appeal would be withdrawn. Furthermore, releasing the Satin Finish OPA 231 Appeal from the balance of the OPA 231 proceeding, formally consolidating it into the Private Appeals, and directing that the appeals be heard as one proceeding gives effect to the manner in which the parties and the Board had already organized these proceedings.

[65] Satin Finish refers to the pre-hearing process on the OPA 231 appeals to date and points to the Board having granted similar consolidation requests from site-specific appellants and the bringing into effect numerous portions of OPA 231 including the approval of conversions of specific sites, where the rights and positions of other OPA 231 parties were safeguarded by ensuring that the Board's order on the site-specific approval was explicitly without prejudice to any other party and would not stand as a

predetermination of any forthcoming matter.

[66] Satin finish takes the position that a separate proceeding on Satin Finish's conversion request for 8 Oak Street would not predetermine any matter affecting the remaining appeals of OPA 231 and therefore its OPA 231 Appeal should be released from the larger OPA 231 proceeding so that it can be consolidated, heard and determined with its private appeals, resulting in a final site-specific decision on the future use of 8 Oak Street.

City Position

[67] The City is opposed to the motion and requests an Order of the Board:

- a) Consolidating Satin Finish's site-specific appeal of its Official Plan Amendment and Zoning By-law Amendment applications, (OMB Case No. PL160109), into the Board's ongoing proceedings regarding City of Toronto OPA 231 (OMB Case No. PL140860);
- b) Directing that Satin Finish's consolidated appeals are to be heard during the site-specific hearings phase of OPA 231, which is to be scheduled *after* the City-wide policy appeals have been adjudicated;
 - a. Dismissing the Satin Finish Motion.

[68] The City argues that Satin Finish is attempting to proceed with a hearing to seek approval for a proposed site-specific development application that, in order to be implemented, would have required the 'conversion' of its lands from *Employment Areas* to permit, among other uses, residential uses and at no point did it seek to consolidate its site-specific official plan and re-zoning appeals with its appeal of OPA 231. Member Swinkin, noted in his disposition of the matter that Satin Finish's appeal of OPA 231 was not before him and refused to deal with matters related to the 'conversion' of the subject site and put the parties to the option of either proceeding with the hearing related solely

to compatibility issues, with the issue of 'conversion' to be dealt with in another proceeding or taking steps to have the Satin Finish appeals consolidated with OPA 231.

Findings

[69] The Board agrees with the City's position that it would be appropriate for the Satin Finish site-specific development appeals to be consolidated into the OPA 231 process and to be dealt with in the same manner as all other site-specific appeals of OPA 231 with related application appeals to take place after the City-wide policy appeals have been adjudicated. The site-specific appeals of OPA 231 should not be determined before the City-wide policy appeals have been adjudicated.

[70] The City-wide policy appeals of OPA 231 have the greatest impact across the City and involve numerous parties and should be resolved before any of the site-specific appeals are heard and it is quite possible that some site-specific appeals will be resolved following the resolution of the City-wide policy appeals.

[71] The Board finds that the examples of settlements and consolidation of appeals referred to by counsel for Satin Finish are not comparable to this situation and are not relevant to the Board's consideration herein. Any matters consolidated "out of" the OPA 231 process were with the consent of the City, which is not the case here. While the City has indicated that its employment land inventory is not a "zero sum game" for the purposes of OPA 231, this is not sufficient to support the consolidation of the Satin Finish appeals "out of" the OPA 231 process.

[72] The Board finds that the Satin Finish appeal of OPA 231 should not be permitted to jump the "queue" and be disposed ahead of the City-wide policy appeals and those other site-specific appeals, which have been scheduled to be heard following the hearing of the City-wide policy appeals.

[73] Accordingly, the Satin Finish Motion is hereby dismissed and its private appeals outlined above are consolidated into the OPA 231 appeals to be heard following the hearing of the City-wide policies.

Scarborough Chinese Baptist Church (SCBC) Motion for Order Compelling D. Crupi & Sons Limited (Crupi) to Deliver Documents

[74] Scarborough Chinese Baptist Church (“SCBC”) brings a Motion for an order of the Board to compel D. Crupi & Sons Ltd. (“Crupi”) to immediately deliver to SCBC the following documents, which are referenced in the Environmental Compliance Approval (“ECA”) for Crupi’s hot mix asphalt plant at 83 Passmore Avenue in the City of Toronto and/or in the witness statements of Corey Kinart of HGC Engineering and Bridget Mills of BCX Environmental Consulting, which have been filed by Crupi in this proceeding:

- Acoustic Assessment Report, prepared by HGC Engineering, dated August 18, 2010;
Acoustic Audit(s), prepared by Aercoustics Engineering Limited;
- Acoustic Assessment Report, prepared by HGC Engineering, dated March 5, 2013;
- Emission Summary and Dispersion Modelling Report, prepared by BCX Environmental Consultants, dated March 6, 2013;
- Best Management Practices Plan for the control of fugitive dust emissions;
and
- Crupi’s “odour and dust management practices and plans”, as referenced in paragraph 22 of Bridget Mills’ witness statement.

[75] SCBC also seeks its costs for bringing this Motion.

[76] The Board notes that the City supports the SCBC Motion and requests that the production order provide that the City also receive the documents sought by SCBC.

[77] The materials before the Board on this Motion consist of the following:

1. SCBC's Motion Record dated February 2, 2018, including the Affidavit of R. L. Scott Penton, P.Eng., sworn on February 2, 2018, and the exhibits attached thereto;
2. Responding Record of Crupi dated February 8, 2018, including the Affidavit of Corey D. Kinart, sworn February 8, 2018;
3. City Notice of Response to SCBC Motion dated February 9, 2018;
4. Reply Submission of SCBC dated February 12, 2018.

[78] The Board has considered the materials as well as the submissions of counsel and finds that this Motion should succeed for the reasons that follow.

[79] The evidence before the Board on this motion shows that Crupi has filed expert witness statements from Corey Kinart of HGC Engineering in relation to acoustic matters and from Bridget Mills of BCX Environmental Consulting in relation to air quality matters.

[80] In their witness statements, both Mr. Kinart and Ms. Mills confirm that they have been involved with assessing and reporting on acoustic and air quality emissions from the Crupi asphalt plant since 2009. They both have also authored documents that were prepared either in support of Crupi's ECA or as a condition of the ECA. They also both make certain general statements about the contents of these documents, and others, including some of the conclusions of the reports. Neither Mr. Kinart nor Ms. Mills has attached the documents they have referenced to their witness statement.

[81] They also offer expert opinions regarding land use compatibility concerns as between Crupi's asphalt plant at 83 Passmore Avenue and potential future sensitive uses on the eastern parcel of the SCBC Lands (255 Milliken Boulevard), which appear to be based on assessments and analysis included within the various documents that are referenced in their witness statements and/or other documents prepared by them.

Their opinions also suggest that the potential for future sensitive uses at 255 Milliken Boulevard would jeopardize the compliance status of Crupi's asphalt plant under its ECA and/or will negatively impact Crupi's operations under the *Environmental Protection Act*.

[82] Neither Mr. Kinart nor Ms. Mills identifies what assumptions regarding future uses at the SCBC Lands were made in the various acoustic and air quality analyses and reports, recognizing the longstanding permissions for sensitive uses on the SCBC lands.

[83] SCBC has made a number of requests that Crupi provide copies of the documents requested in this motion, which Crupi has refused and continues to refuse. Crupi had initially claimed that the requested documents "are not material to this hearing" and more recently claims that the documents in question are confidential and contain proprietary commercial information.

[84] SCBC has agreed a redaction and/or confidentiality provisions pertaining to that specific information if the requested documents include any trade secrets or commercially-sensitive information about the internal operations of the asphalt plant that are not relevant to the issues for adjudication in the proceeding,

[85] SCBC argues that it would be unfair and prejudicial to SCBC to allow Crupi's expert witnesses to make reference in their evidence to certain documents, cite conclusions from those documents, and draw opinions from those documents, without providing copies of those documents to SCBC. Furthermore, SCBC argues that its consultants should be able to review those documents in advance of, and in preparation for, the hearing, allowing them to review the assumptions and analyses in those documents in order to test the evidence of Crupi's witnesses.

[86] The Board rejects the position taken by Crupi on this motion and finds that it is unreasonable under the circumstances for Crupi to refuse to disclose to SCBC the

documents requested in this motion and that these documents are both necessary and relevant to the disposition of the issues in this proceeding.

[87] Accordingly, the Tribunal hereby orders that the requested documents be produced forthwith to SCBC and to the City.

[88] Any request for cost shall be made in accordance with the Board's *Rules, Practice and Procedures*.

Motion by Minto Properties Inc. for Party Status

[89] Minto Properties Inc. ("Minto") brings a motion for an order granting party status to Minto on certain appeals of City's OPA 231, pursuant to ss. 17(44.1) and 17(44.2) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

[90] The grounds for the Motion are:

- 1) OPA 231 has been appealed to the Board under subsection 17(36) of the *Planning Act* by numerous appellants. Of those appeals, some are specifically concerned with the Garrison Common North Secondary Plan (the "**Secondary Plan**") which is amended extensively by OPA 231;
- 2) Minto owns the lands municipally known as 1 Atlantic Avenue (the "**Site**") in the City of Toronto (the "**City**"). The Site is located in the Liberty Village area, at the south end of Atlantic Avenue on the East side;
- 3) The Site is located within Area 3 of the Secondary Plan. OPA 231 attempts to amend the Area 3 policies by, *inter alia*, deleting the sentence "No residential use other than live/work units will be permitted."
- 4) Minto wishes to become a party by sheltering under the appeals brought by the following appellants which raise the Secondary Plan in their appeals:
 - a. 1289777 Ontario Limited for the lands municipally known as 1 Jefferson Avenue and 1A Atlantic Avenue (Appeal 13);

- b. 2396927 Ontario Inc – for multiple parcels of land in Area 3 of Liberty Village (Appeal 32)
 - c. 551879 Ontario Limited for lands located at 25 & 35 Liberty St., 51, 61 & 65 Jefferson Avenue., and 50 & 58 Atlantic Ave. (Appeal 42);
 - d. 939923 Ontario Limited for lands at 153 Dufferin Street (Appeal 49);
 - e. First Capital Holding Trust (Ontario) Limited for lands municipally known as 85 Hanna Avenue (Appeal 87-1 and 87-2);
 - f. Kevric Real Estate Corporation Inc., municipally known as 99 Atlantic Avenue (Appeal 106);
 - g. Urbancorp for lands in the Liberty Village Area (Appeal #=176).
- 5) Minto is concerned that the Secondary Plan policies, as these are proposed to be modified, will undermine many potential redevelopment options for the Site that would constitute good planning, and that would otherwise be in conformity with and supportive of Provincial and Official Plan policies. It is noteworthy that the Site is located less than 50 metres from the Exhibition Place GO Transit station.
- 6) The Board, in its December 20, 2016 decision in this proceeding, scoped the outstanding appeals geographically. Map 7 of 9 attached to that decision clearly indicates that the Site remains under active appeal, and in fact the entire Secondary Plan area remains open and under appeal. Minto is prepared to confine itself to the issues raised by the Appellants this motion proposes its Party Status be sheltered under.

[91] The materials before the Board on this Motion consist of the Motion Record dated February 2, 2018 including the Affidavit of Peter F. Smith sworn February 2, 2018.

[92] The Board notes that the City is not opposed to the Motion.

[93] The Board has considered the materials as well as the submissions of counsel and is satisfied that it be would just and reasonable under the circumstances to grant Party Status to Minto.

[94] Accordingly, Minto is hereby granted Party Status sheltering under the appeals set out above. Minto's Party Status will only continue so long as any of the above appeals remain outstanding or is otherwise disposed of.

Next PHC

[95] The next PHC will commence at **10 a.m. on Wednesday, August 8, 2018**, and will take place at:

**Local Planning Appeals Tribunal
655 Bay Street,
16th Floor
Toronto, ON**

[96] There will be no further notice.

"R. G. M. Makuch"

R. G. M. MAKUCH
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1
Sign-In Sheet Re: City of Toronto OPA 231 PL140860
PHC February 13, 2018

COUNSEL/REPRESENTATIVE	PARTY / APPEAL NO.
Patrick Harrington Aird & Berlis LLP	Satin Finish Hardwood Flooring (No. 157) Crestpoint (No. 499)
Christine Gibson Cassels Brock Lawyers (Counsel of Record Signe Leisk)	The Governing Council of The University of Toronto (No. 96) May Flower Landscaping Design Ltd. (No. 123)
Michael Stuart Goodman LLP	24. 2094528 Ontario Ltd. and HGT 32. York Heritage et al 36. 3266 Midland Inc. 40. 543 Richmond Street West 68. Colville Development 70. COSTCO 88. First Gulf Ontario Street Corp. 118. Lissard 134. Downsview 169. Symesbridge Inc. 171. Tippett 177. Wal-Mart and Party: First Gulf Don Valley Ltd.
Mary Bull Wood Bull LLP	Mondelez Canada Inc. (#128)
Sharmini Mahadevan Wood Bull LLP (Counsel of record Johanna Shapira)	Revenue Properties Company Limited 146. Morguard Investments Limited
Sharmini Mahadevan Re: 8 Oak Motion	Calloway REIT (Weston-401) Inc. 401 Weston Centre Limited
Kailey Sutton McMillan LLP	19.1742875 Ontario Ltd. 1720194 Ontario Inc. 56. Amexon Prop. Mgmt. Corp. 74. Crown Realty 75. Down 2 Earth 125. 2304009 Ontario Ltd. 100. Humberview Group
Jonathan Cheng for Calvin Lantz Stikeman Elliott LLP	Atlantic Packaging (#59) Campbell Company of Canada (#64) Canadian Propane Association (#85) The International Group Inc. (#103) Irvine Tissue Corporation (#104) Redpath Sugar Limited (#144) Dunpar Developments Holdings (#82) Adelaide Street Lofts

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsections 17(24) and 26 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended,

Appellants: 10 QEW Inc. et. al
Subject: City of Toronto Official Plan Amendment No. 231
Municipality: City of Toronto
OMB Case No.: PL140860
OMB File No.: PL140860

PROCEDURAL ORDER - PHASE 1B, PART III
(COMPATIBILITY AND MITIGATION)

The Board orders that:

1. The Board may vary or add to this Order at any time either on request or as it sees fit. It may amend this Order by an oral ruling or by another written Order. The attachments to this Procedural Order form part of the Board's Order.

Organization of Phase 1B, Part III of the Hearing

2. Phase 1B, Part III of the hearing, will begin on **Thursday, May 24, 2018 at 10:00 a.m.** at the Ontario Municipal Board, 655 Bay Street, 16th Floor, Toronto, Ontario M5G 1E5.
3. The length of Phase 1B, Part III of the hearing will be **14 days from Thursday, May 24, 2018 to Friday, June 15, 2018, excluding** June 6, 7, and 8, 2018. The length of Phase 1B, Part III of the hearing may be shortened as issues are resolved or settlement is achieved.
4. **Attachment 1** to this Procedural Order is a list of all of the parties and participants identified at the prehearing conference.
5. **Attachment 2** to this Procedural Order is the Issues List. There will be no changes to the Issues List unless the Board permits it. A party who asks for changes to the Issues List may have costs awarded against it.
6. **Attachment 3** to this Procedural Order is the order of evidence. The Board may limit the amount of time allocated for opening statements, evidence-in-chief (including the qualification of witnesses), cross-examination, evidence-in-reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Board.

16. Documents may be delivered in person, by courier, by facsimile or registered or certified mail, by email, or otherwise as the Board may direct. The delivery of documents by fax and email shall be governed by the Board's Rules 26 - 31 on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
17. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.
18. The Board shall not issue a decision or order upon the completion of the hearing respecting Phase 1B with the intent that the Board will reserve all Decisions or Orders respecting all Parts of Phase 1B until such time that the hearings respecting every Part of Phase 1B are complete. Upon the completion of the hearings respecting every Part of Phase 1B, the Board shall render one Decision or Order addressing Phase 1B as a whole, including all of its Parts.
19. The Decision, including any findings therein, and any Order related thereto, respecting Phase 1B, Part III of the hearing shall not prejudice, limit or predetermine any future dispositions, including but not limited to any findings therein, of the unapproved portions of OPA 231, and shall not prejudice, limit or predetermine any positions that may be taken by any party or parties to any site or area specific appeal(s) such that:
 - a) the Board may render future Decisions respecting unapproved portions of OPA 231 that deviate from or are inconsistent with one or more aspects of any Decision respecting Phase 1B, including but not limited to any findings therein; and
 - b) the Board may render future Orders respecting unapproved portions of OPA 231 that deviate from or are inconsistent with one or more aspects of any Order respecting Phase 1B, including but not limited to any findings therein, including but not limited to approving site or area-specific modifications that deviate from or are inconsistent with such Order or such policies, non-policy text, mapping, Secondary Plans or Site and Area Specific Policies that are approved thereby on a City-wide basis (or as approved in respect of other lands which are subject to the same policies, schedules and associated text).

For clarity, this paragraph does not affect either any party's right to assert that the approved policies, non-policy-text, mapping, Secondary Plans or Site and Area Specific Policy, as the case may be, should be applied to the specific sites or areas without modification on the basis that the content thereof constitutes good planning, or the Board's ability to so decide and order.

20. Notwithstanding the Decision on Phase 1B and any term of any Order related thereto, the Board retains jurisdiction to consider and approve modifications to any policies, non-policy text, mapping, Secondary Plans and Site and Area Specific Policies approved in such Decision as may be appropriate to dispose of any of the outstanding appeals before the Board.

ATTACHMENT 1
PARTIES AND PARTICIPANTS

1. **City of Toronto**
R. Andrew Biggart / Christina Kapelos
Ritchie Ketcheson Hart & Biggart LLP

-and-

Kelly Masumoto, City Solicitor
City of Toronto
2. **Revenue Properties Company Limited and Morguard Investments Limited**
Johanna Shapira / Raj Kehar
Wood Bull LLP
3. **Toronto Industry Network ("TIN")
Canadian Propane Association**
Calvin Lantz
Stikeman Elliott LLP
4. **BILD
Pier 27
Queens Quay Avante Limited
1147390 Ontario Limited**
John Dawson
McCarthy Tétrault LLP
5. **Greenland Lakeside Development Company Limited
Leslie-Lakeshore Developments Inc.**
Patricia Foran
Aird & Berlis LLP
Andrew Jeanrie
Bennett Jones LLP
6. **10 QEW Inc.
Midland Corporate Centre Ltd.
Samuel Sarick Limited**
Katarzyna Sliwa / Barbara Capes
Dentons Canada LLP
7. **The Governing Council of the University of Toronto**
Signe Leisk
Cassels Brock

ATTACHMENT 2

ISSUES LIST

The identification of an issue does not mean that all Parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Board at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Board at the hearing will be a matter of evidence and argument at the hearing.

The identification of a party beside an issue does not preclude any other party from calling evidence or addressing that issue.

Proposed Policies to be Adjudicated	
<i>Employment Areas</i> will be used exclusively for business and economic activities in order to: e) Provide a stable and productive operating environment for existing and new businesses by preventing the establishment of sensitive land uses in <i>Employment Areas</i> .	Policy 2.2.4.2(e)
New residential and other sensitive land uses where permitted outside of, but adjacent or near to, <i>Employment Areas</i> will be appropriately designed, buffered and/or separated from impactful industries as necessary to prevent or mitigate adverse effects from noise, vibration, traffic, odour and other emissions and contaminants upon the occupants of the new development, and lessen complaints and their potential costs to businesses. The costs of studies and mitigation measures shall be borne by the developer of the new residential or other sensitive land uses outside of, but adjacent or near to, the <i>Employment Area</i> .	Policy 2.2.4.5
<i>Employment Areas</i> in the vicinity of existing major transportation infrastructure such as highway interchanges, ports, rail yards and airports are designated to provide for, and are to be preserved for, employment uses that may rely upon the major transportation infrastructure for the movement of goods.	Policy 2.2.4.6
Measures will be introduced and standards applied on roads within <i>Employment Areas</i> that give priority to the movement of trucks and transit vehicles.	Policy 2.2.4.7
A multi-faceted approach to economic development in Toronto will be pursued that: b) Protects <i>Employment Areas</i> as stable places of business;	Policy 3.5.1.2b

3	<p>Sidebar to Section 4.6: Is the definition of Sensitive Land Use appropriate, particularly given that the 2005 PPS is quoted as the source for the definition?</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott</p>
4	<p>Sidebar to Section 4.6: Are the examples of what is a sensitive land use appropriate?</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott</p>
5	<p>Sidebar to Section 4.6: Is it appropriate to identify accessory/ancillary sensitive land uses in the definition of sensitive land use?</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott</p>
6	<p>Sidebar to Section 4.6: Is it appropriate to include the PPS definition of "major facility"?</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott</p>
7	<p>Sidebar to Section 4.6: Is it appropriate to include a definition for "Influence Area" in the sidebar?</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott</p>
	<p>Sidebar to Section 4.6: Should the following definition, or a definition that achieves a similar purpose, be added as a policy or in the sidebar?</p>	
8	<p>'Influence Area' means any lands/uses within the potential zone of influence of an employment use, taking into consideration both current and future operations, within which there could be a potential for adverse effect. A zone of influence may extend beyond the boundaries of an <i>Employment Area</i>.'</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott</p>

13	<p>Policy 2.2.4.5: Is the purpose for mitigating <i>Sensitive Land Uses</i> near <i>Employment Areas</i> appropriate and complete?</p> <p>Is it appropriate to add policies that address:</p> <p>(i) preventing adverse impacts from the proposed <i>Sensitive Land Use</i> on industries' compliance with applicable environmental policy, regulations, approvals and guidelines, including the noise provisions of the City's Municipal Code?</p> <p>(ii) demonstrating compliance with propane storage, handing and distribution land use separation requirements, if applicable?</p> <p>(iii) minimizing the risk of complaints and nuisance claims?</p> <p>(iv) preventing adverse impacts from the proposed <i>Sensitive Land Use</i> on existing industries' potential for intensification, operational changes and expansion, including potential increases in emissions, and the potential for new industries to be established in an <i>Employment Area</i>? And,</p> <p>(v) considering the impacts of potential intensification, operational changes and expansion of existing industries, including potential increases in emissions, and the potential for new industries to be established in an <i>Employment Area</i>, on the proposed <i>Sensitive Land Use</i>?</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott</p>
14	<p>Do the policies of OPA 231 which are proposed to apply outside of <i>Employment Areas</i> adequately acknowledge the need for, and importance of, uses typically found outside of <i>Employment Areas</i> including, but not limited to, with reference to the policy context set by the PPS and Growth Plan for a range and mix of uses and complete communities?</p>	<p>Building Industry Land Development Association (BILD) (Appeal No. 62); Pier 27 (Appeal No. 138) ; Queens Quay Avante Limited and 1147390 Ontario Limited (Appeal No. 141) John Dawson, McCarthy Tétrault LLP</p>

3. EMPLOYMENT USES WITHIN EMPLOYMENT AREAS

15	<p>Policy 4.6.5 (e): Is it appropriate for policy to limit or to require the effects of traffic generated by development within <i>Employment Areas</i>?</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64); The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott</p>
16	<p>Policy 4.6.5(i): Given the context of the PPS, the <i>Environmental Protection Act</i> and the MOECC D-Series Guidelines, it is appropriate to require emissions to be mitigated as it relates to other businesses and the "amenity of neighbouring areas" [assuming such "amenity" is not associated with</p>	<p>Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64); The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal</p>

	or predominantly comprised of outdoor storage and/or outdoor processing in the City?	
22	Policy 4.6.6: Is it appropriate to introduce new land use compatibility requirements between employment uses in <i>Employment Areas</i> ?	Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott
23	Policy 4.6.6: Would the proposed gradation of zones be more aptly applied to ensure compatibility between employment uses in <i>Employment Areas</i> and land uses external to <i>Employment Areas</i> ?	Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott
24	Policy 2.2.4 and 3.5.1: Is it appropriate to add policies relating to the use of MOECC Noise Guideline NPC-300 and the criteria and process for classifying lands as Class 4 under NPC-300?	Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott
25	Policy 2.2.4 and 3.5.1: Is it appropriate to add policies requiring notification to industries within an <i>Employment Area</i> of proposed development or works within the potential "influence area" of such industries as defined by the MOECC D-Series Guidelines?	Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott
26	Policy 2.2.4 and 3.5.1: Is it appropriate to add policies to OPA 231 to specify separation distance requirements for propane storage, handling and transfer facilities and the use/development activity that may occur within such separation distances?	Toronto Industry Network (TIN) (Appeal No. 182); Canadian Propane Association (Appeal No. 65); Atlantic Packaging Products (Appeal No. 59); Campbell Company of Canada (Appeal No. 64) The International Group Inc. (Appeal No. 103); Redpath Sugar Ltd. (Appeal No. 144) Calvin Lantz, Stikeman Elliott
27	Should provisions of OPA 231 intended to preserve and/or enhance the ability of existing and new businesses to emit contaminants be constrained by amendments thereto to provide explicit policy wording that acknowledges: a. That the emission of contaminants may engender eco-system-wide effects (e.g. watershed, airshed) which are not desirable; b. That the ability of business to control their production (and thus emissions) processes should in some circumstances render	Building Industry Land Development Association (BILD) (Appeal No. 62); Pier 27 (Appeal No. 138); Queens Quay Avante Limited and 1147390 Ontario Limited (Appeal No. 141) John Dawson, McCarthy Tétrault LLP Greenland Lakeside Development Company Limited (Appeal No. 7) (215 Lakeshore Boulevard E. and 178-180

	therefor, related to the emissions of contaminants; and g. The implications of the assignment of responsibility for mitigations measures to a proposed sensitive land use on the built-form or building design associated with that use.	
31	Should OPA 231 be amended to require adequate disclosure by involved parties to permit Council to appropriately exercise the jurisdiction proposed by Issue 30 hereinabove.	Building Industry Land Development Association (BILD) (Appeal No. 62); Pier 27 (Appeal No. 138) ; Queens Quay Avante Limited and 1147390 Ontario Limited (Appeal No. 141) John Dawson, McCarthy Tétrault LLP Greenland Lakeside Development Company Limited (Appeal No. 7) (215 Lakeshore Boulevard E. and 178-180 Queens Quay – Appeal No. 141) Patricia Foran, Aird & Berlis LLP / Andrew Jeanrie, Bennett Jones LLP

4. EMPLOYMENT USES CLOSE TO TRANSPORTATION INFRASTRUCTURE

32	Is Policy 2.2.4(6) sufficiently clear to provide direction on how Employment Areas in the vicinity of existing major transportation infrastructure will be “designated to provide for” and “preserved for” employment uses that may rely upon that infrastructure for “the movement of goods”? Does the policy conform with the Growth Plan for the Greater Golden Horseshoe 2017?	Revenue Properties Company Limited Morguard Investments Limited (Appeal No. 146) Johanna Shapira / Raj Kehar, Wood Bull LLP
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