

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



ISSUE DATE: July 30, 2019

CASE NO(S): PL140860

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

Appellants:	Multiple Appellants
Subject:	Proposed Official Plan Amendment No. 231 (Phase 1B - Part IV)
Municipality:	City of Toronto
OMB Case No.:	PL140860
OMB File No.:	PL140860
OMB Case Name:	A. Mantella & Sons Limited v. Toronto (City)

Heard: July 22, 2019 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

Toronto Industry Network,
Canadian Propane Association

Calvin Lantz

Northern Realty Advisors Ltd,
Menkes 225 Birmingham Street Inc.,

Naomi Mares

RioCan Real Estate Investment Trust

Max Reedijk

10 QEW Inc.,
Midland Corporate Centre Ltd.,
Samuel Sarick Limited

Aaron Kurts

Morguard Investments Ltd., Revenue Properties Company Limited	Lee English
Dream Asset Management Corporation, Berkley Carlyle (Junction) Inc.	Michael Cara
Lissard Holdings Limited	Roslyn Houser
Governing Council of the University of Toronto	Marisa Keating
City of Toronto	Christina Kapelos

**MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN ON
JULY 22, 2019**

[1] This was a further Pre-hearing Conference (“PHC”) conducted by the Local Planning Appeal Tribunal (the “Tribunal”) in the ongoing case management of the City of Toronto (the “City”) Official Plan Amendment 231 (“OPA 231”) appeals.

[2] At this session, the Tribunal dealt with two settlement motions and confirmed a further PHC session in August to deal with further settlement motions.

PHC scheduled for August 14, 2019

[3] The next PHC session is scheduled for **Wednesday, August 14, 2019 at 10 a.m.** at:

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

[4] This PHC session is being reserved to entertain further settlement motions, an apparent request for party status and to fix a further subsequent PHC session to deal with future settlement motions and such procedural matters as are appropriate.

[5] The City shall serve Notice(s) of Motion in advance of the August 14 PHC in accordance with the Tribunal's *Rules of Practice and Procedure* with respect to the settlements being advanced and with any other matters that should be dealt with at that session that would properly be the subject matter of a motion.

[6] There will be no further notice of this PHC. This Member is seized.

Settlement with respect to 1440 Don Mills Road

[7] The Tribunal had before it a Notice of Motion from the City, which was supported by the declaration of Steven Dixon, affirmed on July 5, 2019 regarding a settlement achieved with the Governing Council of the University of Toronto (the "University") with respect to its appeal concerning 1440 Don Mills Road. This appeal has been identified as Appeal No. 96.

[8] Mr. Dixon is the City planner who has had carriage of OPA 231 matters and whose declarations have been received previously by the Tribunal with respect to OPA 231 matters.

[9] The University leases space within 1440 Don Mills Road, which is known as the Lesmill Office Park. This office park accommodates offices and some light manufacturing. The owner and principal occupant of space within this complex manufactures products related to dental practice.

[10] The University leases approximately 500 square metres of space within the complex and currently uses that space for continuing education for practising dentists to improve their knowledge and skills. Based upon Mr. Dixon's declaration, that use is conducted primarily on weekends.

[11] The 1440 Don Mills Road site is designated under OPA 231 as General Employment Area. Although that designation would allow an industrial trade school, the University use does not meet the definition of industrial trade school.

[12] Based upon the assessment and opinion of Mr. Dixon that there would not be a conflict between the education use undertaken by the University on the site with the other uses on the site, the City recommends that the site be identified as a Site and Area Specific Policy area within Chapter 7 of OPA 231 to recognize the University use. It is proposed to be identified as SASP 570 on Map 30.

[13] Mr. Dixon's declaration confirms that the proposed modification would be consistent with the Provincial Policy Statement 2014, conform with the policies of the Growth Plan for the Greater Golden Horseshoe 2019, conform with the intent of OPA 231 and represent the application of good planning principles.

[14] Ms. Keating, counsel for the University, was present and acknowledged that the University supports the City's Motion.

[15] On the strength of the evidence filed and the submissions of counsel, the Tribunal will allow this motion and authorize an amendment of OPA 231 in accordance with the modification attached hereto as Attachment 1 relating to 1440 Don Mills Road.

[16] With this disposition, Appeal 96 is fully resolved.

Settlement with respect to 1211 Caledonia Road

[17] The Tribunal had before it a further Notice of Motion from the City, which was supported by the declaration of Steven Dixon, affirmed on July 5, 2019 regarding a settlement achieved with Lissard Holdings Limited ("Lissard") with respect to its appeal concerning 1211 Caledonia Road. This appeal has been identified as Appeal No. 118.

[18] As noted above, Mr. Dixon is the City planner who has had carriage of OPA 231 matters and whose declarations have been received previously by the Tribunal with respect to OPA 231 matters.

[19] Lissard is the owner of 1211 Caledonia Road. It conducts a retail use and a

service use from the property. The property is currently within a Core Employment Area designation, which does not permit these uses. The General Employment Area designation would accommodate their uses.

[20] According to the declaration of Mr. Dixon, the lands to the west, north and south of this property accommodate service, restaurant and retail uses, all of which are permitted in the General Employment Area designation.

[21] Although the abutting lands to the east are also within the Core Employment Area designation and are used for stone fabricating, which business is open to the public, they take their access from a street other than Caledonia Road. Upon a review of the current uses and the fact that the 1211 Caledonia Road lands abut General Employment Area designated lands, it was the opinion of Mr. Dixon that the context supports the General Employment Area designation for the lands at 1211 Caledonia Road.

[22] Mr. Dixon's declaration confirms that the proposed modification would be consistent with the Provincial Policy Statement 2014, conform with the policies of the Growth Plan for the Greater Golden Horseshoe 2019, conform with the intent of OPA 231 and represent the application of good planning principles.

[23] Lissard filed a Notice of Response indicating that it supported the City's Motion. Ms. Houser was present on behalf of Lissard and confirmed that support. No other Responses were filed and no objection was taken to the motion at the PHC hearing.

[24] On the strength of the evidence filed and the submissions of counsel, the Tribunal will allow this motion and authorize amendment of OPA 231 in accordance with the modification attached hereto as Attachment 2 relating to 1211 Caledonia Road. This modification changes the designation on 1211 Caledonia Road from Core Employment Area to General Employment Area.

[25] With this disposition, Appeal 118 is fully resolved.

[26] The Tribunal also simply acknowledges here being advised by Ms. Kapelos, counsel for the City, that there is an initiative to seek Tribunal-led mediation with respect to the Phase 4 appeals but that no date has yet been fixed for that purpose.

[27] So orders the Tribunal.

“Gerald S. Swinkin”

GERALD S. SWINKIN
MEMBER

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 Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Modification to OPA 231, Toronto Official Plan Appeal No. 96, 1440 Don Mills Road

Official Plan Amendment No. 231 is modified as follows:

1. Chapter 7, Site and Area Specific Policies, is modified by adding Site and Area Specific Policy No. 570 for the lands municipally known in 2019 as 1440 Don Mills Road, as follows:

"570. 1440 Don Mills Road

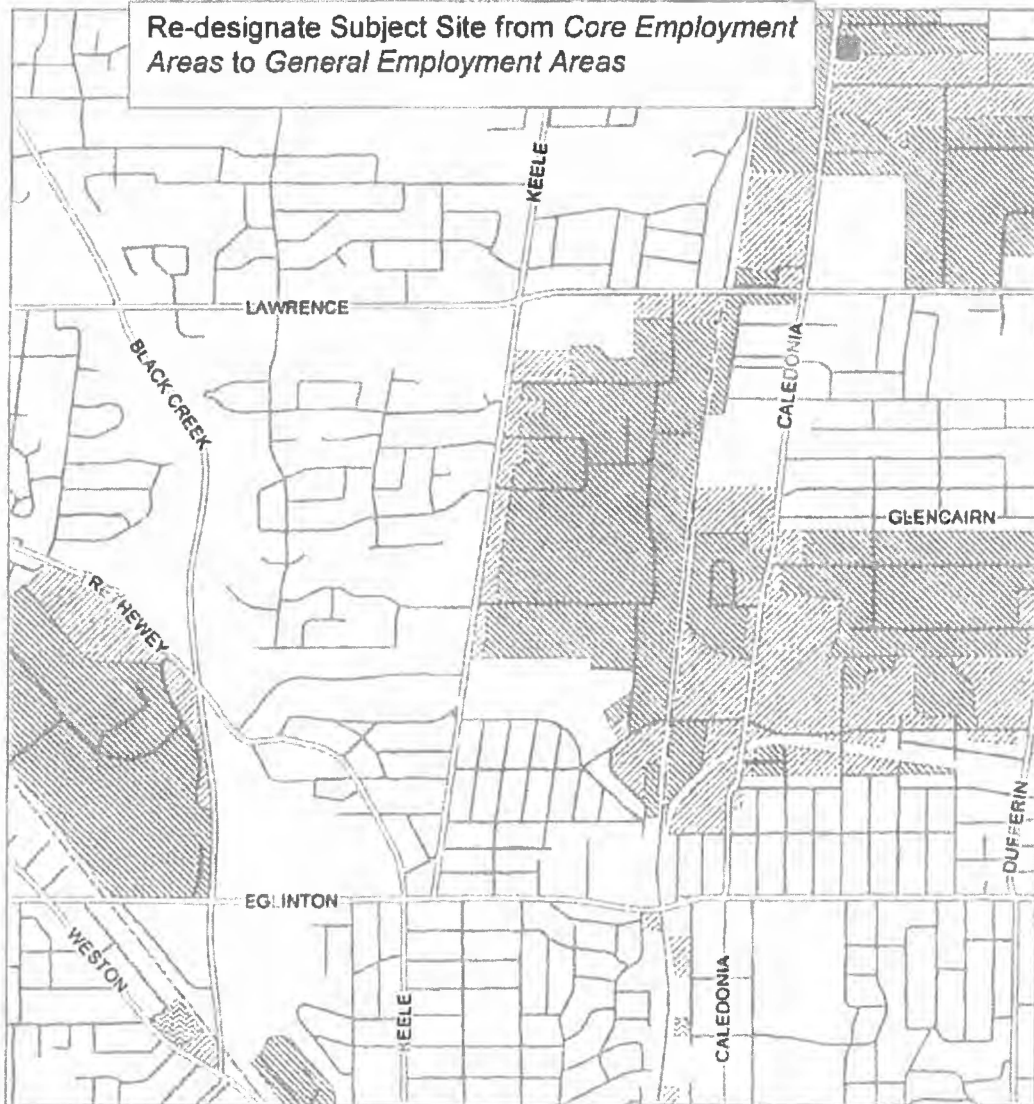
A Continuing Education Dental Centre and other equivalent continuing education programs offered by universities and colleges are permitted.



2. Map 30, Site and Area Specific Policies (Key Map), is modified to add the lands known municipally in 2019 as 1440 Don Mills Road shown on the map above as Site and Area Specific Policy No. 570.

ATTACHMENT 2

PROPOSED MODIFICATION TO OPA NO. 231 REGARDING LANDS MUNICIPALLY KNOWN AS 1211 CALEDONIA ROAD



Redesignate from 'Employment Areas' to Official Plan Designations Shown on Maps 1 to 48 inclusive

Map 23

<ul style="list-style-type: none"> Neighbourhoods Apartment Neighbourhoods Mixed Use Areas Regeneration Areas 	<ul style="list-style-type: none"> Parks & Open Space Areas Natural Areas Parks 	<ul style="list-style-type: none"> Employment Areas Core Employment Areas General Employment Areas 	<ul style="list-style-type: none"> Utility Corridors
Subject Site			<p style="font-size: small; margin-top: 5px;">NOT TO SCALE 12/18/2012</p>