

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



ISSUE DATE: May 02, 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

APPEARANCES:

Parties

Counsel*/Representative

See Attachment 1

**AMENDING DECISION OF THE TRIBUNAL DELIVERED BY R. G. M. MAKUCH
AND ORDER OF THE TRIBUNAL**

[1] In accordance with Rule 24.04 of the Tribunal's *Rules of Practice and Procedure*, whereby the Tribunal may at any time and without prior notice to the parties correct a technical or typographical error made in a decision or order, the Decision and Order ("Decision") issued on April 19, 2018 is hereby amended.

[2] By replacing Attachment 1 from the Decision with the following Attachment 1.

[3] In all other respects the Tribunal's Decision remains the same.

“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	The Governing Council of The University of Toronto (No. 96) May Flower Landscaping Design Ltd. (No. 123)
Michael Stewart Goodman LLP	24. 2094528 Ontario Ltd. and HGT 32. York Heritage et al 36. 3266 Midland Inc. 40. 543 Richmond St. W. 68. Colville Development 70. COSTCO 88. First Gulf Ontario Street Corp. 118. Lissard 134. Downsview 169. Symesbridge Inc. 171. Tippett 177. Wal-Mart + Party: First Gulf Don Valley Ltd.
Mary Bull Wood Bull LLP	Mondelez Canada Inc. (#128)
Sharmini Mahadevan Wood Bull LLP (Counsel on 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 McMillian LLP	19. 1742875 Ontario Ltd. 1720194 Ontario Ltd. 56. Amexcon Property Management Corp. 74. Crown Realty 75. Down 2 Earth 125. 2304009 Ontario Ltd. 100. Hunterview Group
Jonathan Cheng for Calvin Lantz Strikeman 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 55 Eglinton East Ltd Krugarand Corporation Toronto Industry Network SEIEA
Naomi Mares (student at law) for Adam Brown Sherman Brown LLP	90 Eglinton West Ltd. 150 Eglinton Avenue Ltd. 33 Mercer Ltd. Notham Realty Advisors Menkes Development Inc. Menkes 225 Birmingham Street
John Dawson McCarthy Tetrault LLP	BILD Queen's Quay Avanti Limited and 1147390 Ontario Limited Pier 27 Toronto (North) Inc. Pier 27 Toronto (West) Inc.
Clare Young Ministry of Municipal Affairs	Ministry of Municipal Affairs
Mike Foderick McCarthy Tetrault LLP	390 Dufferin Minto Properties Inc.
Marc Kemerer Devry Smith Frank LLP	D. Crupi & Sons AI Reisman Limited
Michael Cook Devine Park LLP	GWL Realty Advisors Inc. Agellan Capital Partners Inc. G. Gagliano Properties Ltd. & Benton Property Corp 100 Metropolitan Portfolio Inc.
Kelly Oksenberg Overland LLP	Dream Asset Management Corporation The Independent Order of Foresters Berkley Carlyle (Junction) Inc.
John Nunziata Solicitor	#143 Red Eagle Investments
David Neligan Aird & Berlis LLP	First Capital Loblaw Properties CP REIT Ontario Properties Limited Nova Depot Corporation Leslie Lakeshore Developments
Douglas Allan	1111A Finch Avenue
Neil Smiley	Seneca College 21 Beverly Hills Drive 2401 Eglinton Avenue
Peggy Moulder	Mondelez Canada Inc. #127, #128 Lakeshore Planning Council

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.

Requirements Before Phase 1B, Part III of the Hearing

7. All parties and participants (or their representatives) shall, if they have not already done so, provide a mailing address, email address, and telephone number to the Board. Any such person who retains a representative (legal counsel or agent) subsequent to the prehearing conference must advise the other parties and the Board of the representative's name, mailing address, email address and phone number.
8. On or before **Thursday, March 29, 2018**, a party who intends to call witnesses, whether by summons or not, shall provide to the Board and the other parties a List of Witnesses and the order in which they will be called. For expert witnesses, a party is to include a copy of the curriculum vitae and the area of expertise in which the witness is proposed to be qualified.
9. An expert witness shall prepare an expert Witness Statement that shall include: an Acknowledgement of Expert's Duty form, the area(s) of expertise, any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Instead of a Witness Statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.
10. On or before **Friday, April 20, 2018**, a witness or participant must provide to the Board and the other parties a Witness Statement or Participant Statement, otherwise the witness or participant may not give oral evidence at Phase 1B, Part III of the hearing.
11. Expert witnesses who are under summons, but not paid to produce a report, do not have to file an expert Witness Statement; but the party calling them must file a brief Evidence Outline of the expert's evidence and his or her area of expertise, as in Section 14.
12. On or before **Friday, May 4, 2018**, parties may provide to all other parties a written Reply Statement to any written evidence.
13. **On or before Friday, May 11, 2018**, the parties shall provide copies of their Visual Evidence to the other parties. If a model is proposed to be used, the Board must be notified before the hearing. All parties must have a reasonable opportunity to view it before the hearing.
14. A person wishing to change written evidence, including witness statements, must make a written motion to the Board in accordance with the Board's Rules 34 to 38.
15. A party who provides the written evidence of a witness to the other parties must have that witness attend the hearing to give oral evidence, unless the Board and the parties are notified at least 7 days before the hearing that the written evidence is not part of their record.

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.

21. The Board may be spoken to in the event some matter should arise in connection with the implementation of this Procedural Order.

This Member is not seized.

So orders 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

8. **First Capital Holdings Trust (Ontario) Corporation**
CP REIT Ontario Properties Limited
Loblaw Properties Limited
David Neligan
Aird & Berlis LLP
9. **Mondelez Canada Inc.**
Mary Bull
Wood Bull LLP
10. **Al Reisman Limited**
D. Crupi & Sons Limited
David White / Anthony-George D'Andrea
Devry Smith Frank LLP
11. **Berkley Carlyle (Junction) Inc.**
Daniel Artenosi
Overland LLP

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

<p>Development will contribute to the creation of competitive, attractive, highly functional <i>Employment Areas</i> by:</p> <ul style="list-style-type: none"> a) Supporting the existing and planned function of the <i>Employment Area</i>; b) Encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment; c) Providing a high quality public realm with a connected, easily understood, comfortable and safe network of streets, parks and accessible open spaces; d) Integrating the development into the public street network and systems of roads, sidewalks, walkways, bikeways and transit facilities, and establishing new segments where appropriate; e) Limiting or mitigating the effects of traffic generated by the development within the <i>Employment Area</i> and adjacent areas; f) Providing adequate parking and loading on-site; g) Sharing driveways and parking areas wherever possible; h) Avoiding parking between the public sidewalk and retail uses; i) Mitigating the effects of noise, vibration, dust odours or particulate matter that will be detrimental to other businesses or the amenity of neighbouring areas; j) Providing landscaping on the front and any flanking yard adjacent to any public street, park and open space to create an attractive streetscape, and screening parking, loading and service areas; k) Treating the boundary between Employment Areas and residential lands with landscaping, fencing, or other measures to provide a buffer and minimize adverse impacts; and l) Ensuring that where the zoning by-law(s) permit open storage and/or outdoor processing of goods and materials, the open storage and/or processing is: <ul style="list-style-type: none"> i) limited in extent; ii) generally located at the rear of the property; iii) well screened by fencing and landscaping where viewed from adjacent streets, highways, parks and neighbouring land uses; and iv) not adversely affecting existing and planned neighbouring land uses in terms of dust, noise and odours. 	<p>Policy 4.6.5</p>
<p>Implementing Zoning By-law(s) will create a gradation of zones that distinguish between employment uses on the basis of their potential operations and impacts to ensure a compatibility of uses within <i>Employment Areas</i>.'</p>	<p>Policy 4.6.6</p>

1. SENSITIVE USES WITHIN EMPLOYMENT AREAS		
1	<p>Is Policy 2.2.4(2)(e) overly broad insofar as it “prevents” the establishment of sensitive land uses in Employment Areas? Does this policy conform with the Growth Plan for the Greater Golden Horseshoe 2017?</p>	<p>Revenue Properties Company Limited Morguard Investments Limited (Appeal No. 146) Johanna Shapira / Raj Kehar, Wood Bull LLP</p>
2	<p>OPA 231 states that “For the purposes of this Plan the term ‘Sensitive land uses’ shall have the same meaning as in the Provincial Policy Statement’, however, the definition included in OPA 231 is not identical to that in the PPS. Would it be appropriate and desirable to amend the definition of “sensitive land use” to make it the same as that found in the PPS (New Sidebar to Section 4.6)?</p>	<p>Revenue Properties Company Limited Morguard Investments Limited (Appeal No. 146) Johanna Shapira / Raj Kehar, Wood Bull LLP</p>

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 “<i>Influence Area</i>” 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>
8	<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? ‘<i>Influence Area</i>’ 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>

2. SENSITIVE USES OUTSIDE EMPLOYMENT AREAS

9	<p>Policy 2.2.4.5: <i>Are Employment Areas</i> appropriately protected from the introduction and development of nearby <i>Sensitive Land Uses</i> that may be external to <i>Employment Areas</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>
10	<p>Policy 2.2.4.5: Is it appropriate, given the policy direction of the PPS, to attach the adjective “impactful” to industrial uses?</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>
11	<p>Policy 2.2.4.5: Is the phrase, “outside of, but adjacent or near to, the <i>Employment Area</i>” appropriate, understandable and unambiguous?</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>
12	<p>Policy 2.2.4.5: Is it appropriate to introduce policies that require the proposed introduction, expansion or intensification of sensitive land uses located outside of <i>Employment Areas</i> and within the “influence area” of an industry or industries to demonstrate land use compatibility before development permissions to allow the sensitive land uses may be granted? And if so, what is the appropriate policy language and should the employment uses be provided with notice of all such development applications?</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, handling 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>

	<p>a sensitive land use]?</p> <p>Is the policy sufficiently clear as to how “detrimental” effects will be assessed in terms of noise, vibration, dust, odours and particulate matter impacts on other businesses and the “amenity of neighbouring areas”?</p>	<p>No. 144) Calvin Lantz, Stikeman Elliott</p>
17	<p>Policy 4.6.5 (f), (h), (i), (j), (k) and (l):</p> <p>Is it appropriate to implement prescriptive development standards through policy?</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>
18	<p>Policy 4.6.5(k):</p> <p>Is the use of the phrases, “residential lands” and “adverse impacts” appropriate, understandable and unambiguous?</p> <p>Is it appropriate that such “development standards” be universally applied or should such requirements only be applicable if they assist in providing a buffer and minimizing “adverse impacts”?</p> <p>Is it appropriate that such policy requirements only apply to the <i>Employment Area</i> lands and that similar policy requirements do not also apply to the “residential lands”?</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>
19	<p>Policy 4.6.5(l):</p> <p>Is it appropriate for the City to regulate emissions and operational impacts of employment uses that involve open storage and/or outdoor processing, given that such uses are already regulated and managed under the <i>Environmental Protection Act</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>
20	<p>Policy 4.6.5(l)(iv):</p> <p>Is the policy sufficiently clear as to how “adverse affect” will be assessed in terms of dust, noise and odour impacts on existing and planned neighbouring land uses?</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>
21	<p>Policy 4.6.5(l):</p> <p>Is it appropriate to introduce new land use compatibility requirements between employment uses in <i>Employment Areas</i>?</p> <p>Is it appropriate to have policy requiring all open storage and processing uses to be limited in extent understanding that such policy is effectively prohibiting employment uses that are exclusively</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>

	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

	<p>them responsible for the emissions to be visited upon proximate existing or new sensitive uses;</p> <p>c. That private businesses should not become a de facto planning approval authority able to render otherwise meritorious development impractical or impossible?</p>	<p>Queens Quay – Appeal No. 141) Patricia Foran, Aird & Berlis LLP / Andrew Jeanrie, Bennett Jones LLP</p>
28	<p>Should OPA 231 be amended in respect of the type of new business that is to be provided for, and the location of such, to minimize future new restrictions on the location of sensitive uses on account of the new business?</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 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</p>
29	<p>Should OPA 231 be amended to permit Council, when appropriate, to allow the statutory regulatory processes directly related to the emission of contaminants to operate to provide for appropriate environmental conditions instead of automatically shifting the entire burden for such to a sensitive use which serves as the receptor of such contaminants?</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 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</p>
30	<p>Should OPA 231 be amended to include the following as criteria to guide Council's decision on the appropriate allocation of responsibility for managing the relationship between contaminant-emitting industries and sensitive land uses:</p> <ol style="list-style-type: none"> The nature and quantity of contaminant emission and the extent to which the effects thereof are localized or have broader eco-system-wide effect; Whether the process engendering the contaminant emissions of the major facility is existing or proposed, the reasonableness of a proposed expansion and potential limits thereon, and the likelihood of such an expansion; How the existing and/or proposed processes of the major facility compare to best environmental practices for that type of class of major facility; Whether contaminant emissions are, or should be, constrained as a result of proximity to existing land uses; The cost of any necessary mitigations measures and the implications on the long term viability of the major facility; The effect of legislative or regulatory directions from the federal or provincial governments, including any approvals 	<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 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</p>

	<p>therefor, related to the emissions of contaminants; and</p> <p>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.</p>	
31	<p>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.</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 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</p>

4. EMPLOYMENT USES CLOSE TO TRANSPORTATION INFRASTRUCTURE		
32	<p>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?</p>	<p>Revenue Properties Company Limited Morguard Investments Limited (Appeal No. 146) Johanna Shapira / Raj Kehar, Wood Bull LLP</p>

ATTACHMENT 3

ORDER OF EVIDENCE

- (1) City of Toronto
- (2) Parties in support of the City of Toronto (to be determined by the parties or by way of Board Order in advance of the hearing)
- (3) Parties in opposition to the City of Toronto (to be determined by the parties or by way of Board Order in advance of the hearing)
- (4) Reply of the City of Toronto