

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: May 03, 2016

CASE NO(S): PL140860

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

Appellant:	10 QEW Inc. et al
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)

Heard: February 9, 2016 in Toronto, Ontario

APPEARANCES:

Parties

See Attachment 1

Participants

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. G. M. MAKUCH ON
FEBRUARY 9, 2016 AND ORDER OF THE BOARD**

[1] This is the fourth prehearing conference respecting appeals against Official Plan Amendment No. 231 "Employment Areas Lands" adopted by City of Toronto (the "City") Council.

CITY MOTION FOR PARTIAL APPROVAL OF OPA 231

[2] The City has brought a motion for partial approval of sub policy 3.5.1.1b), which was appealed by Morguard Investments Ltd. and Revenue Properties Company Ltd. (“Morguard”).

[3] Sub-Policy 1b) of s. 3.5.1 currently reads as follows:

1. Toronto’s economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by:

b) Contributing to a broad range of stable full-time employment opportunities for all Torontonians;

[4] Morguard was concerned that this policy could be read to preclude part-time employment jobs as an important component of the City’s economy, which was the intention according to the City.

[5] The City and Morguard have agreed to a modification in the wording, which would read as follows:

1. Toronto’s economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by:

b) Contributing to a broad range of stable full-time employment opportunities for all Torontonians, with an emphasis on full-time employment;

[6] City Council has considered and approved this modification.

[7] The Board is satisfied based on the un-contradicted affidavit evidence of Christian Giles, sworn January 29, 2016, that this modification represents good planning, is consistent with the 2014 Provincial Policy Statement, is in conformity with the Growth Plan for the Greater Golden Horseshoe and is consistent with the intent and purpose of the City’s Official Plan.

[8] The modification is hereby approved by the Board.

GRAYWOOD DEVELOPMENT LTD. (“GRAYWOOD”) MOTION

[9] Graywood has brought a motion for an order of the Board granting it party status as well as other procedural relief respecting OPA 231 and a zoning by-law appeal.

[10] That part of the motion for party status is hereby granted with the consent of the City. The interested parties all agreed that the remainder of the motion dealing with procedural issues should be adjourned subject to certain conditions respecting the filing of materials for the hearing of the motion. Any party who wishes to respond to the motion shall file its materials 20 days prior to the hearing of the motion and the moving party shall file any responding materials not later than 10 days prior to the date set for the hearing of the motion. The motion will be heard will be heard on **Thursday, May 19, 2016 at 10 a.m.** The hearing will take place at:

**Ontario Municipal Board
655 Bay Street, 16th floor
Toronto, Ontario**

1423720 ONTARIO LTD. (“1423720”) MOTION FOR PARTY STATUS

[11] 1423720 brings a motion for an order of the Board granting it party status for Phase 1A of the hearing. The hearing of the motion is also adjourned to **Thursday, May 19, 2016 at 10 a.m. at the above location.**

KEVRICK REAL ESTATE CORPORATION INC. (“KEVRICK”) MOTION

[12] Kevrick brings a motion for a modification to part of Section 17 of OPA 231 that amends Chapter 6, Section 14, Garrison Common North Secondary Plan, Site and Area specific Policy No. 3 (the “Area 3 Policy”) as it applies to the lands municipally described as 99 Atlantic Avenue, 2-24A Liberty Street, 38-40 Hanna Avenue and 1 Snooker Street collectively referred to as the “Site”.

[13] Kevrick had previously filed applications for official plan and zoning by-law amendments and approval of site plan to permit the re-development of the Site. These applications were appealed to and subsequently approved by this Board in accordance with a settlement between the Kevrick and the City (OMB Case No. PL140865). The current Kevrick appeal against the approval of OPA 232 was to ensure that the re-development of the Site would be implemented in conformity with OPA 232. This requires modifications to the Area 3 Policy in order to recognize the approved policies of OPA 333, which apply to the Site in accordance with the Board's Order in Case No. PL140865. The Board had found that the modifications to the Area 3 Policy were consistent with the Provincial Policy Statement 2014, conform with the Growth Plan for the Greater Golden Horseshoe, were in the public interest and represent good land use planning.

[14] The Board is satisfied based on the un-contradicted affidavit evidence of Peter Smith sworn January 28, 2016 that approval of these modifications on a site specific basis will not prejudice the other Area 3 Policy appellants and will not require Kevrick to participate in this costly proceeding.

[15] Accordingly, the Board will modify the Garrison Common North Area 3 policy of OPA 231 in accordance with Attachment 2 (Exhibit 5, filed in this proceeding).

LONDON LIFE INSURANCE COMPANY ("LONDON LIFE") AND GREAT WEST LIFE ASSURANCE COMPANY ("GWL") MOTION

[16] London Life and GWL own the property known municipally as 200 University Avenue and propose re-developing the site, which currently has a 14 storey office building. They recently became aware of and have an interest in Policy 3.5.1.9 in OPA 231 currently under appeal by other appellants (Appeals 14, 40, 43 and 87). A motion is brought to be added as parties respecting these appeals.

[17] The City has consented subject to the conditions that party status is limited to the office replacement policies only, that London Life and GWL adopt the issues set out in a

letter from Adam Brown, dated November 30, 2015, and that the party status is confined to the site known municipally as 200 University Avenue.

[18] The Board is satisfied that there are reasonable grounds to add London Life and GWL as parties subject to the conditions outlined above.

PHASE 1A HEARING

[19] Ideal Developments (MN) Inc. is granted participant status for Phase 1A Hearing. This is not to be considered in any way as a “backdoor” approach to being subsequently granted party status.

[20] The hearing for Phase 1A (is scheduled to commence on **Monday, June 20, 2016 at 10 a.m.** Five days have been set aside. The hearing will take place at:

**Ontario Municipal Board
655 Bay Street, 16th floor
Toronto, Ontario**

[21] The parties had some differences of opinion respecting the issues list for Phase 1A of the hearing but have now come to an agreement, which results in a restructuring of the phases of the hearing with some Phase 1A issues now moving to Phase 1B.

[22] Phase 1A will deal with “existing non-sensitive” uses and Phase 1B will deal with “sensitive uses”.

[23] **May 24 and 25, 2016** are set aside for mediation of the Phase 1A issues. The mediation will take place at 10 a.m. at:

**Ontario Municipal Board
655 Bay Street, 16th floor
Toronto, Ontario**

[24] Attachment 1 hereto will govern the Phase 1A hearing.

[25] No further notice will be given.

"R. G. M. Makuch"

R. G. M. MAKUCH
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.

Ontario Municipal Board

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

PL140860

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 1A

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 1A of the Hearing

2. Phase 1A of the hearing, will begin on **Monday, June 20, 2016 at 10:00 a.m.** at the Ontario Municipal Board, 655 Bay Street, 16th Floor, Toronto, Ontario M5G 1E5.
3. The length of Phase 1A of the hearing will be **five (5) days** from June 20, 2016 to June 24th, 2016, inclusive. The length of Phase 1A 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 sets out the Policies of Official Plan Amendment No. 231 that are subject to determination at Phase 1A of the hearing.
6. **Attachment 3** 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.
7. **Attachment 4** 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 1A of the Hearing

8. 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.
9. **On or before Thursday, March 31, 2016**, 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.
10. **On or before Friday, April 22, 2016**, expert witnesses must provide to the Board and the other parties a List of Agreed Upon Facts, if created. Expert witnesses in the same field shall have a meeting before Phase 1A of the hearing to try to resolve or reduce the issues for the hearing. The experts may prepare a List of Agreed Upon Facts and the remaining issues to be addressed at Phase 1A of the hearing.
11. 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.
12. **On or before Friday May 6, 2016**, 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 1A of the hearing.
13. 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.
14. **On or before Friday, May 6, 2016**, the parties shall provide copies of their Witness Statements or Participant Statements to the other parties.
15. **On or before Friday June 3, 2016**, parties may provide to all other parties a written response to any written evidence.
16. **On or before Friday June 10, 2016**, 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. The Board shall issue a decision following this Phase of the hearing and prior to the commencement of Phase 1B unless the Board determines otherwise.
22. The coming into effect of the any decision from Phase 1A of the hearing:
 - a) shall be without prejudice to the rights of any party for its proposed exceptions or modifications to OPA 231 in a site-specific appeal. For greater certainty and without limiting the foregoing, this Procedural Order shall not have any effect on the Board's authority to grant issue-specific or site-specific exceptions or modifications to OPA 231, regardless of whether the proposed exceptions or modifications deviate from portions of OPA 231 that the Board has already approved;
 - b) shall be without prejudice to the rights of any party for its proposed exceptions or modifications to OPA 231 in City-wide policy appeals. For greater certainty and without limiting the foregoing, this Order shall not have any effect on the Board's authority to grant issue-specific or policy-specific exceptions or modifications to OPA 231 on a City-wide basis in relation to any policy or mapping that is not listed in Attachment 2 to this Order.
 - c) shall not have the effect of limiting existing or future resolutions of any appellant's appeal; and,
 - d) shall not apply to any portion of OPA 231 that remains under appeal.
23. 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 (TO PROCEDURAL ORDER)

PARTIES AND PARTICIPANTS

1. City of Toronto
2. Ministry of Municipal Affairs and Housing
3. All other parties listed on Attachment 3 to this Order

ATTACHMENT 2 (TO PROCEDURAL ORDER)

POLICIES

Policies and Mapping of OPA No. 231 that are subject to determination at the Phase 1A hearing are:

- (1) Core Employment Areas and General Employment, namely:
 - Preamble to Section 4.6, except for the second sentence in the first paragraph of the Preamble, and the last sentence in the third paragraph of the Preamble (beginning with “However, because major retail complexes....”).
 - Policy 4.6.1
 - Policy 4.6.2
 - Policy 4.6.3
 - Preamble to Section 2.2.4, except for the first sentence in the first paragraph, the entirety of the third paragraph, and the entirety of the sixth paragraph of the Preamble.
 - Maps referenced in Policy 2.2.4.1 (being Map 2 and Maps 13 to 23, inclusive).

ATTACHMENT 3: ISSUES LIST (TO PROCEDURAL ORDER)

WITHOUT PREJUDICE - Issues List for Phase 1A of OPA 231 Hearing

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.

None of the proposed policies and issues to be adjudicated in Phase 1A shall be construed as pertaining to the issue(s) of sensitive uses. Matters pertaining to sensitive uses shall be adjudicated during a later Phase of the Hearing.

Proposed Policies to be Adjudicated		
	Preamble to Section 4.6, except for the second sentence in the first paragraph of the Preamble, and the last sentence of the third paragraph of the Preamble (beginning with "However, because major retail complexes...").	
	4.6.1	
	4.6.2	
	4.6.3	
	Preamble to Section 2.2.4, except for the first sentence in the first paragraph of the Preamble, the entirety of the third paragraph of the Preamble, and the entirety of the sixth paragraph of the Preamble	
	Maps referenced in Policy 2.2.4.1 (being Map 2 and Maps 13 to 23, inclusive).	

Conformity of Proposed Policies to be Adjudicated		
1	Do the policies and mapping noted above conform with the Growth Plan for the Greater Golden Horseshoe?	Appeal 7 / 1147390 & Queens Quay / Dawson Appeal 19 / 1742875 & 1720194 / Flynn-Guglietti Appeal 26 / 2129152 / Wood Appeal 56 / Amexon / Flynn-Guglietti Appeal 57 / Amexon Real / Flynn-Guglietti Appeal 59 / Atlantic / Lantz Appeal 62 / BILD / Dawson Appeal 64 / Campbell / Lantz Appeal 65 / Propane / Lantz Appeal 74 / Crown / Flynn-Guglietti Appeal 78 / Down2 / Flynn-Guglietti Appeal 79 / Dream / Arsenosi Appeal 82 / Dunpar / Flynn-Guglietti Appeal 87-1 / First Capital / Costello Appeal 87-2 / First Capital / Costello Appeal 100 / Humberview / Flynn-Guglietti Appeal 103 / IGI / Lantz Appeal 104 / Irving / Lantz Appeal 115 / Leslie Lakeshore / Foran Appeal 119 / Loblaw / Costello Appeal 125 / 2304009 / Flynn-Guglietti Appeal 128 / Mondelez / Bull Appeal 141 / 1147390 & Queens Quay / Dawson Appeal 144 / Redpath / Lantz Appeal 146 / Morguard / Wood Appeal 182P / TIN / Lantz

ATTACHMENT 3: ISSUES LIST

WITHOUT PREJUDICE - Issues List for Phase 1A of OPA 231 Hearing

2	<p>Are the policies and mapping noted above consistent with the PPS, and do they appropriately address Provincial environmental policy, regulations and guidelines?</p>	<p>Appeal 7 / 1147390 & Queens Quay / Dawson Appeal 19 /1742875 & 1720194 / Flynn-Guglietti Appeal 26 / 2129152 / Wood Appeal 56 / Amexon / Flynn-Guglietti Appeal 57 / Amexon Real / Flynn-Guglietti Appeal 59 / Atlantic / Lantz Appeal 62 / BILD / Dawson Appeal 64 / Campbell / Lantz Appeal 65 / Propane / Lantz Appeal 74 / Crown / Flynn-Guglietti Appeal 78 / Down2 / Flynn-Guglietti Appeal 79 / Dream / Artenosi Appeal 82 / Dunpar / Flynn-Guglietti Appeal 87-1 / First Capital / Costello Appeal 87-2 / First Capital / Costello Appeal 100 /Humberview / Flynn-Guglietti Appeal 103 / IGI / Lantz Appeal 104 / Irving / Lantz Appeal 115 / Leslie Lakeshore / Foran Appeal 119 / Loblaw / Costello Appeal 125 / 2304009 / Flynn-Guglietti Appeal 128 / Mondelez / Bull Appeal 141 / 1147390 & Queens Quay / Dawson Appeal 144 / Redpath / Lantz Appeal 146 / Morguard / Wood Appeal 182P / TIN / Lantz</p>
3	<p>Do the policies and mapping noted above represent good planning for the City of Toronto?</p>	<p>Appeal 7 / 1147390 & Queens Quay / Dawson Appeal 13 / 1289777 / Martin Appeal 19 /1742875 & 1720194 / Flynn-Guglietti Appeal 26 / 2129152 / Wood Appeal 56 / Amexon / Flynn-Guglietti Appeal 57 / Amexon Real / Flynn-Guglietti Appeal 62 / BILD / Dawson Appeal 74 / Crown / Flynn-Guglietti Appeal 78 / Down2 / Flynn-Guglietti Appeal 79 / Dream / Artenosi Appeal 82 / Dunpar / Flynn-Guglietti Appeal 100 /Humberview / Flynn-Guglietti Appeal 115 / Leslie Lakeshore / Foran Appeal 119 / Loblaw / Costello Appeal 125 / 2304009 / Flynn-Guglietti Appeal 128 / Mondelez / Bull Appeal 141 / 1147390 & Queens Quay / Dawson Appeal 146 / Morguard / Wood</p>
4	<p>The expressions “Provincial Policy Framework” and “Provincial planning framework” are used, apparently, to refer to the same concept. For clarity, should one of the expressions be selected and referred to consistently throughout OPA 231?</p>	<p>Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 115 / Leslie Lakeshore / Foran Appeal 146 / Morguard / Wood</p>

ATTACHMENT 3: ISSUES LIST

WITHOUT PREJUDICE - Issues List for Phase 1A of OPA 231 Hearing

5	In order to provide greater clarity to the policies, is it appropriate and desirable to change all references to “Municipal Comprehensive Review” to read “Municipal Comprehensive Review as defined in the Growth Plan for the Greater Golden Horseshoe 2006”?	Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 115 / Leslie Lakeshore / Foran Appeal 146 / Morguard / Wood
6	Should the last sentence in the fifth paragraph of the preamble to Chapter 2.2.4 be changed to read “ <u>Some</u> workers in Employment Areas live in nearby residential neighbourhoods and have the opportunity for shorter commutes to work by transit, walking or cycling”?	Appeal 26 / 2129152 / Wood Appeal 146 / Morguard / Wood
7	Should policies be added to OPA 231 that recognize and permit existing non-sensitive legal uses within employment areas?	Appeal 13 / 1289777 / Martin Appeal 26 / 2129152 / Wood Appeal 146 / Morguard / Wood

Issues Related to Preamble and Sidebar to Chapter 4.6

8	Should 'ice arenas' noted in Policy 4.6.3 be included in the list of permitted uses in the paragraph referring to permitted uses in the General Employment area of the introductory text of section 4.6?	Appeal 26 / 2129152 / Wood Appeal 74 / Crown / Flynn-Guglietti Appeal 82 / Dunpar / Flynn-Guglietti Appeal 115 / Leslie Lakeshore / Foran Appeal 128 / Mondelez / Bull Appeal 146 / Morguard / Wood
9	Should the introductory text of section 4.6 in regard to Core Employment and the policy language of policies 4.6.1 and 4.6.2 be rationalized as to the use of the terms 'primary', 'primarily', 'secondary' and 'secondarily'?	Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 82 / Dunpar / Flynn-Guglietti Appeal 115 / Leslie Lakeshore / Foran Appeal 128 / Mondelez / Bull Appeal 146 / Morguard / Wood
10	Should “automobile dealerships” identified in the introductory text of section 4.6 as a permitted use in a General Employment area be added to the list of permitted uses in policy 4.6.3?	Appeal 26 / 2129152 / Wood Appeal 115 / Leslie Lakeshore / Foran Appeal 146 / Morguard / Wood

Issues Related to Employment Areas and particularly Policies 4.6.1 and 4.6.2 Core Employment Uses

11	Is it appropriate and desirable to include 'distribution and storage' which were permitted uses in Employment Areas prior to OPA 231 in the list of permitted uses in 'Core Employment Areas'?	Appeal 7 / 1147390 & Queens Quay / Dawson Appeal 26 / 2129152 / Wood Appeal 62 / BILD / Dawson Appeal 65 / Propane / Lantz Appeal 115 / Leslie Lakeshore / Foran Appeal 128 / Mondelez / Bull Appeal 133 / Pamlimar / Farber Appeal 141 / 1147390 & Queens Quay / Dawson Appeal 146 / Morguard / Wood
12	Is the distinction between 'primary' and 'secondary' employment uses in Core Employment Areas reasonable? Is the exclusion of retail stores, service shops and restaurants and fitness centres from 'primary employment uses' reasonable or justified in the City of Toronto?	Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 82 / Dunpar / Flynn-Guglietti Appeal 87 / First Capital / Costello Appeal 115 / Leslie Lakeshore / Foran Appeal 119 / Loblaw / Costello Appeal 128 / Mondelez / Bull Appeal 133 / Pamlimar / Farber Appeal 146 / Morguard / Wood
13	What modifications are required to clarify the intent of Policy 4.6.2?	Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 82 / Dunpar / Flynn-Guglietti Appeal 115 / Leslie Lakeshore / Foran

ATTACHMENT 3: ISSUES LIST

WITHOUT PREJUDICE - Issues List for Phase 1A of OPA 231 Hearing

		Appeal 119 / Loblaw / Costello Appeal 133 / Pamlimar / Farber Appeal 146 / Morguard / Wood
14	Is it appropriate to add 'propane storage, handling and distribution facilities' as a permitted use within the 'Core Employment Areas, and should policies be added to require propane storage, handling and transfer facility separation distances'?	Appeal 7 / 1147390 & Queens Quay / Dawson Appeal 26 / 2129152 / Wood Appeal 59 / Atlantic / Lantz Appeal 62 / BLD / Dawson Appeal 64 / Campbell / Lantz Appeal 65 / Propane / Lantz Appeal 103 / IGI / Lantz Appeal 104 / Irving / Lantz Appeal 115 / Leslie Lakeshore / Foran Appeal 128 / Mondelez / Bull Appeal 133 / Pamlimar / Farber Appeal 141 / 1147390 & Queens Quay / Dawson Appeal 144 / Redpath / Lantz Appeal 146 / Morguard / Wood Appeal 182P / TIN / Lantz
15	Should policy 4.6.1 and 4.6.2 be amended to broaden the range of non-sensitive permitted uses?	Appeal 13 / 1289777 / Martin Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 115 / Leslie Lakeshore / Foran Appeal 128 / Mondelez / Bull Appeal 133 / Pamlimar / Farber Appeal 146 / Morguard / Wood Appeal 182P / TIN / Lantz
16	Is the reference to maximum sizes for retail units being "set out in the applicable zoning by-law" appropriate guidance in respect of an Official Plan policy?	Appeal 26 / 212915 / Wood Appeal 87-1 / First Capital / Costello Appeal 87-2 / First Capital / Costello Appeal 146 / Morguard / Wood

Issues Related to Employment Areas and, particularly, Policy 4.6.3; General Employment Uses

17	Should the expression 'retail and service uses' in policy 4.6.3 be modified to be consistent with the expressions 'retail stores' and 'service shops' in the introductory text of section 4.6?	Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 115 / Leslie Lakeshore / Foran Appeal 146 / Morguard / Wood
18	Should 'automobile dealerships' identified in the introductory text of section 4.6 as a permitted use in a 'General Employment Area' be added to the list of permitted uses in policy 4.6.3?	Appeal 26 / 2129152 / Wood Appeal 115 / Leslie Lakeshore / Foran Appeal 146 / Morguard / Wood
19	In policy 4.6.3, is it appropriate and desirable to replace the expression 'may also be established' with the expression 'are also permitted' to be consistent with the language of the introductory text of 4.6?	Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 115 / Leslie Lakeshore / Foran Appeal 146 / Morguard / Wood
20	Should policy 4.6 be amended to broaden the range of non-sensitive permitted uses?	Appeal 13 / 1289777 / Martin Appeal 26 / 2129152 / Wood Appeal 79 / Dream / Artenosi Appeal 115 / Leslie Lakeshore / Foran Appeal 128 / Mondelez / Bull Appeal 146 / Morguard / Wood Appeal 182P / TIN / Lantz

ATTACHMENT 4 (TO PROCEDURAL ORDER)

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

ATTACHMENT 2

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

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

Appellants:	10 QEW Inc. et. al.
Subject:	Proposed Official Plan Amendment No. 231
Municipality:	City of Toronto
O.M.B. Case No.:	PL140860
O.M.B. File No.:	PL140860
O.M.B. Case Name:	A. Mantella & Sons Limited v. Toronto (City)

Proposed Modification to Official Plan Amendment No. 231

Paragraph 17 of OPA 231, as it applies to Chapter 6, Section 14, Garrison Common North Secondary Plan, hereby is modified by adding paragraph “e)” to Site and Area Specific Policy No. 3, as follows:

- “e) The provisions of Section 10.9 of this Secondary Plan pertaining to 99 Atlantic Avenue, 2-24A Liberty Street, 38-40 Hanna Avenue and 1 Snooker Street shall continue to prevail.”