

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



ISSUE DATE: November 29, 2019

CASE NO(S): PL180179

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(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Toronto Port Authority
Subject: Proposed Official Plan Amendment No. OPA 387
Municipality: City of Toronto
LPAT Case No.: PL180179
LPAT File No.: PL180179
LPAT Case Name: Toronto Port Authority v. Toronto (City)

Heard: November 22, 2019 by telephone conference call

APPEARANCES:

Parties

Counsel

Toronto Port Authority

Andrew Jeanrie

City of Toronto

Robert Robinson, Sarah O'Connor

Cadillac Fairview Corporation
Limited (assuming party
status of First Gulf Don Valley
Limited)

Roslyn Houser

DECISION DELIVERED BY SHARYN VINCENT AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Toronto Port Authority appealed Official Plan Amendment No. 387 (“OPA 387”) adopted by Council, which amends maps 3 and 5 of the Toronto Official Plan by altering the rights-of-way to be required for certain roadways and to amongst other things conceptually provide for the extension of Broadview Avenue from its current terminus to Lakeshore Boulevard East through the approved Unilever Precinct Secondary Plan area.

[2] At the Case Management Conference, the appeal was scoped to deal with the potential impact of the infrastructure to be permitted on the ongoing operation of the Keating Yard, which is the existing shunting and storage yard utilized by Toronto Port authority in support of the movement of cargo through Toronto’s only port.

[3] First Gulf Don Valley Inc was conferred Party status as the then owner of the East Harbour Property, which comprise the majority of the Unilever Precinct Secondary Plan area, and more specifically, the lands subject of the in-force Site and Area Specific Policy 46, being a policy framework directing the redevelopment scheme for the large site which is organized around and dependent upon the extension of Broadview Avenue. The site was subsequently purchased by Cadillac Fairview Corporation Limited, who have retained the same Counsel, and have stepped into the shoes of First Gulf in this matter.

[4] The Party’s agreed to and entered into Tribunal led mediation.

[5] A settlement was reached and tendered for the consideration of the Tribunal pursuant to the Tribunal’s *Rules and Practices*.

[6] The Tribunal is satisfied and persuaded by the opinions provided in the sworn affidavit evidence of Cassidy Ritz, the Project Manager Strategic Initiatives Division, City Planning Division, a qualified land use planner, that the proposed clarification added to

the existing footnote found in Clause 5 of OPA 387 and highlighted by added emphasis in Attachment A hereto, represents good planning and that OPA 387 remains consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe pursuant to s. 3(5) of the *Planning Act*.

ORDER

[7] The Tribunal orders that the appeal is allowed in part and Amendment No. 387 to the Official Plan for the City of Toronto is modified as set out in Attachment A to this Order, and as amended is approved.

“Sharyn Vincent”

SHARYN VINCENT
MEMBER

If there is an attachment referred to in this document,
please visit www.elfto.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.elfto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT A

Footnote

¹The extension of Broadview Avenue from Sunlight Park Road/Eastern Avenue to Lake Shore Boulevard East, in accordance with the preferred alignment determined in the Port Lands and South of Eastern Transportation and Servicing Master Plan Environmental Assessment, requires a minimum right-of-way width of 35 metres. Phases 3 and 4 of the Environmental Assessment process will consider various design alternatives for the extension of Broadview Avenue and Bouchette Street taking into account continued rail access into and out of the Port Lands, and determine whether a right-of-way exceeding 35 metres for Broadview Avenue is required. The Environmental Assessment will be conducted in consultation with all interested parties.