



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Request for Direction - Official Plan Amendment 258 (Official Plan Policies to Implement a Development Permit System)

Date: November 14, 2017
To: Planning and Growth Management Committee
From: City Solicitor
Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On November 2, 2017 the Ontario Municipal Board (the "OMB") issued a decision on a joint motion brought by the Building Industry and Land Development Association ("BILD") and a number of landowners and supported by several ratepayer groups to indefinitely adjourn the previously scheduled ten-day hearing on the appeal of City's Official Plan Amendment ("OPA") 258. The OMB in its decision ordered that the hearing would be indefinitely adjourned until the City has enacted a Community Planning Permit By-law (Development Permit By-law)¹ and the appeal period relating to the By-law has passed under the *Planning Act*. The City Solicitor requires direction on this matter at the City Council meeting commencing on December 6, 2017.

¹ At the time Council passed OPA 258, the applicable regulations referred to this development approval mechanism as a "Development Permit" (O. Reg. 608/06). The regulation has since been revoked and a new regulation has come into force (O. Reg. 173/16), re-naming it a "Community Planning Permit".

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release of Confidential Recommendation 1 in Attachment 1 if adopted by Council and the balance of Confidential Attachment 1 to remain confidential.

FINANCIAL IMPACT

The financial implications are set out in Confidential Attachment 1.

DECISION HISTORY

At its meeting held on July 8, 9, 10 and 11, 2014, City Council adopted Official Plan policies for implementing a development permit system
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.4>.

The amendments to the Official Plan were appealed to the Ontario Municipal Board.

COMMENTS

A ten-day OMB hearing on appeals of OPA 258 was scheduled to begin January 15, 2018. In July 2016, BILD and a number of landowner appellants, supported by several ratepayer groups, brought a motion to indefinitely adjourn the hearing. The OMB heard the motion on July 13, 2017. The landowners, supported by several ratepayer groups, argued that the OMB needed additional information from an implementing Development Permit By-law to properly adjudicate the issues in the appeals relating to the policies, goals and objectives of OPA 258. The City, supported by the Ministry for Municipal Affairs and Housing, took the position that the Board did not have jurisdiction to indefinitely delay the hearing on the OPA until the City passed an implementing by-law. The OMB accepted the evidence of the landowners and ordered the hearing on the Official Plan Amendment struck from its calendar and indefinitely adjourned until after the City has enacted a Development Permit By-law.

The Confidential Attachment to this report provides further information.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information Request for Direction - Official Plan Amendment 258 (Official Plan Policies to Implement a Development Permit System)