

Dufferin-Wilson Regeneration Area Study – Official Plan Amendment 362 - Request for Direction

Date: January 25, 2021

To: City Council

From: City Solicitor

Wards: Ward 6 - York Centre

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

At its meeting on November 7, 8 and 9, 2017, City Council adopted the recommendations in a Supplementary Report (November 7, 2017) from the Acting Chief Planner and Executive Director, City Planning and enacted By-law 1272-2017, adopting Official Plan Amendment 362 (OPA 362), that included the deletion of the City initiated Site and Area Specific Official Plan amendment 388 (SASP 388) for the lands located adjacent to the intersection of Dufferin Street and Wilson Avenue and replacing it with a new SASP 388. OPA 362 was appealed to the Local Planning Appeal Tribunal (LPAT) by five parties, and the parties agreed to participate in LPAT led mediation, and a one-day mediation session was held at the LPAT on January 16, 2020.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting on February 2 and 3, 2021.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendation in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendation is adopted by Council, then City Council authorize the public release of:

- a. the recommendation contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege), and
- b. Confidential Appendix 1.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendation.

DECISION HISTORY

At its meeting on December 16-18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) at the conclusion of the Municipal Comprehensive Review of Employment Lands as part of the City's Five Year Official Plan review. OPA 231 brought forward amendments to the Official Plan for economic health and employment lands policies, designations and Site and Area Specific Policies. Through the adoption of OPA 231, the lands within the Study Area were re-designated to Regeneration Areas and Site and Area Specific Policy 388 was adopted to provide additional direction for future change on these lands. On July 9, 2014, the Minister of Municipal Affairs and Housing (MMAH) approved OPA 231, with minor modifications. The Minister's decision was subsequently appealed to the former Ontario Municipal Board (OMB). The decision history on OPA 231 and the MMAH decision can be accessed at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

On June 22, 2015 the OMB issued an order partially approving OPA 231. The partial approval brought into effect the Regeneration Areas designation for the Dufferin-Wilson Study Area, with the exception of the lands at 3621 Dufferin Street. The owner of 3621 and 3625 Dufferin Street and long term lease holder of 3501 Dufferin Street (H&R Real Estate Investment Trust) has appealed OPA 231, including SASP 388 that applies to 3621 Dufferin Street and the Study Area lands. The OMB Order partially approving OPA 231 can be accessed at this link:

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20\(June%2022%202015\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20(June%2022%202015).pdf)

At its meeting of April 5th, 2017, Planning and Growth Management Committee considered a Directions Report (March 8, 2017) from the Chief Planner and Executive Director, City Planning. This report presented the results of the Dufferin-Wilson Regeneration Area Study. The report included a draft Official Plan Amendment which would re-designate all the lands from Regeneration Areas to other land use designations. Planning and Growth Management Committee, at its April 5th, 2017 Dufferin-Wilson Regeneration Area Study – Official Plan Amendment 362 - Request for Direction

meeting, directed the Chief Planner and Executive Director, City Planning to distribute the draft Official Plan amendment to the public and that it be considered at a statutory public meeting on May 31, 2017. This decision history can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG19.3>

Planning and Growth Management Committee held a statutory public meeting on May 31, 2017, and the Committee recommended that City Council adopt the recommendations contained in the Directions Reports (May 9 and May 24, 2017) from the Chief Planner and Executive Director. The Committee requested that the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, to continue discussions with the representative for 3621 Dufferin Street (known as the Dymon Lands) and report back to City Council if there was an acceptable agreement, which includes a revision to the Site Plan Application to be consistent with the vision of the Dufferin-Wilson Regeneration Area Study as a complete, transit supportive new community, and in particular to address the land-use mix and public road network.

City Council deferred further consideration of the report item at its July 4, 2017 and October 7, 2017 meetings to permit continued discussion on proposed revisions to proposed OPA 362 with representatives of the Dymon Lands. At its meeting on November 7, 2017, City Council adopted OPA 362, and in doing so deleted and replaced SASP 388. The Council decision and the report can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.6>

COMMENTS

Following Mediation at the LPAT on January 16, 2020, the City Solicitor requires direction in this matter prior to the conclusion of the February 2 and 3, 2021 meeting of City Council.

CONTACT

Mark Crawford, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-392-8864, Fax 416-397-5624, Mark.Crawford@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor

Confidential Appendix 1 - Confidential Information