

Designation of the Garden District Heritage Conservation District under Part V of the Ontario Heritage Act - Request for Direction Report

Date: January 27, 2021

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations and contains advice subject to solicitor client privilege.

SUMMARY

City Council adopted the Garden District Heritage Conservation District and Garden District Heritage Conservation District Plan (the "Garden District HCD") at its meeting of January 31, 2017. The Garden District HCD was subsequently appealed to the Local Planning Appeal Tribunal (the "LPAT" or "Tribunal").

The LPAT scheduled a 15 day hearing on the merits of the Garden District HCD beginning August 17, 2020. At the request of the parties the hearing was adjourned to allow further discussion of outstanding issues. This report requests direction from City Council with respect to the results of that discussion and the continuing LPAT appeal process.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the confidential recommendations in Confidential Attachment 1 are adopted, City Council authorize the public release of:
 - a. the recommendations contained in Confidential Attachment 1, with the remainder of Confidential Attachment 1 to remain confidential, as it contains advice subject to solicitor-client privilege; and

b. Confidential Attachment 2, 3, and 4.

FINANCIAL IMPACT

There is no financial impact arising from the above recommendations.

DECISION HISTORY

At the January 31, 2017 meeting of City Council, Council adopted item TE21.12 and by-law 232-2017, designated the Garden District Heritage Conservation District and adopted the Garden District Heritage Conservation District Plan. The City Solicitor was instructed to attend the LPAT in the event any appeals were filed. For more information, see the Council decision and Request for Directions Report at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.12>

COMMENTS

The LPAT has held five case management conferences in this appeal, and a previously scheduled three week hearing was to begin August 17, 2020. A further case management conference has been scheduled for March 31, 2021

This report requests direction from City Council for the ongoing LPAT appeal process respecting the Garden District HCD.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice
Subject to Solicitor-Client Privilege

Confidential Attachment 2 - Confidential Information

Confidential Attachment 3 - Confidential Information

Confidential Attachment 4 - Confidential Information

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Report