



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**Appeal of Official Plan Amendment 231 - OMB Hearing –
Request for Instructions**

Date:	May 31, 2016
To:	City Council
From:	City Solicitor
Wards:	All Wards
Reason for Confidential Information:	This report is about litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

Multiple land owners across the City have appealed Official Plan Amendment 231 (OPA 231) either from a policy perspective or with respect to the adopted designation of their lands to the Ontario Municipal Board (OMB). To date, five pre-hearings have been held for OPA 231 and a further hearing event is scheduled to commence on June 20, 2016. The City Solicitor requires further directions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1;
2. Council authorize the public release of the recommendations in Attachment 1 if adopted with the remainder of Attachment 1 to remain confidential at the discretion of the City Solicitor; and
3. Council authorize the public release of Attachment 2 if the recommendations in Attachment 1 are adopted.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of December 16, 17 and 18, 2013, City Council adopted OPA 231 which proposed amendments to the Official Plan's economic health and employment lands policies and land use designations. The decision can be accessed at this link:

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

In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing for approval. On July 9, 2014, the Minister of Municipal Affairs and Housing issued a decision approving most of OPA 231 with one modification. The OMB received 178 appeals to OPA 231. Five pre-hearing conferences for OPA 231 have been held at the OMB. To date, there have been 28 appeals withdrawn and several portions of OPA 231 have been brought into force. Mediation on the first phase of the hearing has also commenced. The parties have another appearance before the OMB commencing on June 20, 2016. The Minister's decision can be accessed at this link:

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

ISSUE BACKGROUND

To organize this large hearing, the parties and the OMB have agreed to establish phases based generally on topics under appeal. A hearing for the first phase (Phase 1a) is set to commence on June 20, 2016. In advance of this hearing date, the parties met to attempt to scope, narrow and/or mediate the issues that are to be litigated on June 20, 2016.

COMMENTS

This report requests direction from City Council for the June 20, 2016 OMB hearing.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment No. 1: Confidential Information
Attachment No. 2: Confidential Information

Staff Report with Confidential Attachment on OPA 231