



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### West Annex Phase I (Madison Avenue) HCD – LPAT Settlement – Request for Direction

**Date:** June 28, 2018

**To:** Toronto Preservation Board and City Council

**From:** City Solicitor

**Wards:** 20 – Trinity-Spadina

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

#### **SUMMARY**

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The purpose of this report is to seek further instruction for the ongoing Local Planning Appeal Tribunal process on the appeals of the West Annex Phase I (Madison Avenue) Heritage Conservation District (HCD) Plan. This report seeks instruction on proposed revisions to the Madison Avenue HCD Plan.

#### **RECOMMENDATIONS**

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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 Attachment 2 and the instructions in Confidential Attachment 1, if adopted by City Council, with the balance of Confidential Attachment 1 to remain confidential.

## **FINANCIAL IMPACT**

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On September 30, 2015, City Council decided to designate the West Annex Phase I (Madison Avenue) Heritage Conservation District (HCD), adopt a by-law for the Madison Avenue HCD Plan, and direct the City Solicitor to appear before the Local Planning Appeal Tribunal to defend the by-law if any objections were raised. The decision of City Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE10.13>

The Ontario Municipal Board convened two prehearing conferences in this matter on July 25 and October 6, 2016. The matter has not been set down for a hearing by the Local Planning Appeal Tribunal for a final determination of the objections. The two decisions of the Board can be found at <http://www.omb.gov.on.ca/e-decisions/mm160011-Jul-28-2016.pdf> and <http://www.omb.gov.on.ca/e-decisions/mm160011-Oct-12-2016.pdf>.

## **COMMENTS**

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This report is about litigation and contains advice that is subject to solicitor-client privilege. Confidential Attachment 1 of this report contains confidential information and should be considered by City Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg, City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 – Information and Recommendations  
Confidential Attachment 2 – Clarity of Language Revisions Chart