



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Appeal of Official Plan Amendment 349 - Request for Direction

Date: July 16, 2018

To: City Council

From: City Solicitor

Wards: Wards 19 & 20

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

At its meeting on May 5, 2015, City Council adopted a Principles Report (Item TE5.8) for a City-initiated land use study of the area known as the "Bathurst - Bloor Four Corners" at the intersection of Bathurst Street and Bloor Street. The Report recommended that the Director of Community Planning, Toronto and East York District to schedule community consultations, provide recommendations for the preservation of community resources, and report back with an official plan amendment and zoning by-law amendment related to retail uses in the area.

At its meeting on December 13, 2016, City Council adopted the Final Report regarding the Bathurst - Bloor Four Corners Study (Item TE20.5), and the resulting Official Plan Amendment No. 349 and Zoning By-law Amendment 1283-2016.

Official Plan Amendment No. 349 and By-law 1283-2016 were appealed to the Ontario Municipal Board by three landowners: 844 Bathurst Inc., 500 Bloor Street Ltd. and 2538779 Ontario Inc.

Discussions with the Appellants have continued.

The purpose of this report is to request further instructions for the ongoing Local Planning Appeal Tribunal appeal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations in Confidential Attachment 1 to the report (July 16, 2018) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, and all of Confidential Appendix A to the report (July 16, 2018) from the City Solicitor.
3. City Council direct that the balance of Confidential Attachment 1 to the report (July 16, 2018) from the City Solicitor remain confidential at the discretion of the City Solicitor, as it contains advice that is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

On July 8, 2014, City Council adopted the Bathurst Street between Queen Street West and Dupont Street Study, Official Plan Amendment 246 and Zoning By-law Amendment 714-2014. As a part of the adoption of Official Plan Amendment 246 and Zoning By-law Amendment 714-2014, Council requested the Director of Community Planning, Toronto and East York District to commence a study of the area known as the "Bathurst - Bloor Four Corners". The decision and report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.7>.

On May 5, 2015, City Council adopted the Principles Report regarding a land use study for the area known as the "Bathurst - Bloor Four Corners" which implemented the previous council direction and conduct community consultations, a heritage analysis of the resources in the study area, and report back with a further Official Plan amendment and zoning by-law amendment. The decision and report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE5.8>.

On December 13, 2016, City Council adopted the Final Report regarding the Bathurst - Bloor Four Corners Study, along with an Official Plan Amendment (Official Plan Amendment No. 349) and Zoning By-law Amendment (Zoning By-law Amendment 1283-2016). The decision and report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE20.5>.

COMMENTS

The City Solicitor requires further instructions. This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 and Confidential Appendix A to this report contains confidential advice and should be considered by Council in camera.

CONTACT

Francesco Santaguida, Solicitor, Planning and Administrative Tribunal Law; Tel: (416) 392-8806; Fax: (416) 397-5624; Email: francesco.santaguida@toronto.ca

Sharon Haniford, Solicitor, Planning and Administrative Tribunal Law; Tel: (416) 392-6975; Fax: (416) 397-5624; Email: Sharon.haniford@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix A - Confidential Information