



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

City Initiated Official Plan Amendment - Dufferin Street Secondary Plan - Request for Directions Regarding LPAT Hearing

Date: March 21, 2019

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton - Lawrence

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

Dufferin 401 Properties Limited (the "Appellant") is the owner of lands municipally known as 3400 Dufferin Street (the "Subject Site"). The Subject Site is located mid-block between Bridgeland Avenue and Jane Osler Boulevard, fronting onto Dufferin Street.

At its meeting on December 9 and 10, 2015, City Council adopted the Dufferin Street Secondary Plan ("OPA 294"), a Secondary Plan that provides a planning framework for the potential redevelopment of the Dufferin Street Secondary Plan Area (all parcels fronting on Dufferin Street between Bridgeland Avenue to just south of Lawrence Avenue West), including policies on land use, built form, the public realm, mobility, infrastructure and community services and facilities. Council directed staff to use OPA 294 in the evaluation of all current and new development proposals falling within its boundaries. Council also adopted the Dufferin Street Urban Design Guidelines and endorsed the Dufferin Street Transportation Master Plan and Infrastructure and Stormwater Master Plan as technical resources for City staff to support the implementation of the Secondary Plan. Council directed staff to use the Dufferin Street Urban Design Guidelines, including the Dufferin Street Transportation Master Plan and the Infrastructure and Stormwater Master Plan in the evaluation of all new and current development proposals and public initiatives.

On January 11, 2016, the Appellant appealed OPA 294 in its entirety to the Ontario Municipal Board (the "OMB"), now known as the Local Planning Appeal Tribunal (the "LPAT").

Without prejudice discussions with the applicant have taken place, and Tribunal-led mediation was held on in October and November 2017, and January 2018.

The purpose of this report is to request further instructions.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Attachment 2 and Confidential Appendix A to Confidential Attachment 2, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which 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

The Subject Site is within the area of the Dufferin Street Secondary Plan. At its meeting of December 9 and 10, 2015, City Council considered the Final Report for the Dufferin Street Secondary Plan (OPA 294). The report and Council's direction are available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY10.42>

On January 8, 2016, the Appellant appealed the City's adoption of OPA 294.

The LPAT will be conducting a hearing with respect to OPA 294 on June 27 and 28, 2019.

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Appendix A to Confidential Attachment 2 - Confidential Information