



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Designation of the King-Spadina Heritage Conservation District under Part V of the Ontario Heritage Act - Request for Directions

Date: October 22, 2019
To: City Council
From: City Solicitor
Wards: Ward 10 - Spadina-Fort York

REASON FOR CONFIDENTIAL INFORMATION

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

The purpose of this report is to request further instructions for the Local Planning Appeal Tribunal hearing under the Ontario Heritage Act that is scheduled to commence on April 6, 2020.

SUMMARY

City Council designated the King-Spadina Heritage Conservation District and adopted the King-Spadina Heritage Conservation District Plan (the "**King-Spadina HCD**") under Part V of the Ontario Heritage Act at its meeting of October 2, 2017. The King-Spadina HCD was subsequently appealed to the Local Planning Appeal Tribunal (the "**LPAT**").

The LPAT has scheduled a 20 day hearing on the merits of the King-Spadina HCD commencing on April 6, 2020. This Report requests direction from City Council for the LPAT hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (October 22, 2019) from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 and Confidential Appendix "A" to the Report (October 22, 2019) from the City Solicitor, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (October 22, 2019) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

On October 2, 3 and 4, 2012, City Council directed staff to initiate the King-Spadina Heritage Conservation District study as a result of the application of prioritization criteria, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

On May 23, 2014, the Toronto Preservation Board endorsed the King-Spadina Heritage Conservation District Study to proceed to district designation, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PB31.2>

On November 23, 2016, the Toronto Preservation Board received for information an update on the proposed King-Spadina Heritage Conservation District Plan, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB18.4>

On December 16, 2016, City Council enacted the King-Spadina Heritage Conservation District Study Area By-law, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM23.41>

On September 6, 2017 Toronto and East York Community Council adopted, with amendments, recommendations to designate the King-Spadina Heritage Conservation District and adopt the King-Spadina Heritage Conservation District Plan, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

On October 2, 2017, City Council's decision to designate the King-Spadina Heritage Conservation District and adopted the King-Spadina Heritage Conservation District Plan under Part V of the Ontario Heritage Act can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

City Council also enacted a technical amending by-law 1241-2017 found here:

https://www.toronto.ca/legdocs/bylaws/2017/law1241.pdf#xd_co_f=MjA2LjEzMC4xNzM uMjgtMTY1NDI4OTA3Mi4zM DU3NTc0Mw==~

COMMENTS

The purpose of this report is to request further instructions for the LPAT hearing that is scheduled to commence on April 6, 2020.

The City Solicitor requires direction on this litigation matter.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Report from City Solicitor
Confidential Appendix "A" - Confidential Information