

### City Council

#### Motion without Notice

MM5.26	ACTION			Ward: 11
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**Appeals of Official Plan Amendments 368 and 365 - Request for Direction - by Councillor Mike Layton, seconded by Councillor Joe Cressy**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

**Confidential Attachment - Litigation or potential litigation that affects the City or one of its agencies or corporations and advice or communications that are subject to solicitor-client privilege.**

#### Recommendations

Councillor Mike Layton, seconded by Councillor Joe Cressy, recommends that:

1. City Council adopt the following recommendations in the report (May 27, 2019) from the City Solicitor:
  1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report (March 27, 2019) from the City Solicitor.
  2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 and Confidential Appendices "A", "B", "C" and "D" to the Report (March 27, 2019) from the City Solicitor, if adopted by City Council.
  3. City Council direct that the balance of Confidential Attachment 1 to the Report (March 27, 2019) from the City Solicitor remain confidential as it contains advice, which is subject to solicitor-client privilege.

#### Summary

On January 31, 2017, Toronto City Council considered Item TE21.1 2017 and adopted the recommendations of the Bloor Corridor/Annex Block Planning Study Official Plan Amendment – Final Report, dated November 30, 2016.

In 2017, a number of appellants appealed two City-initiated Official Plan Amendments, consisting of Official Plan Amendments 365 and 368, to the Ontario Municipal Board (now known as the Local Planning Appeal Tribunal), pursuant to section 17(24) of the Planning Act.

Starbank Developments 350 Corp., The Bank of Nova Scotia, The Governing Council of the University of Toronto, Bloor-Madison Realty Inc., 334 Bloor West Limited, 316 Bloor West Toronto Developments Ltd., and Bloor Street United Church (the Appellants") own lands in the vicinity of the north side of Bloor Street West, between St. George Street and Walmer Road.

There are four Appellants currently remaining at Phase I of the Local Planning Appeal Tribunal Hearing: Starbank Developments 350 Corp, First Capital (Ontario) Corporation (the new owner of 332 Bloor Street West, formerly owned by The Bank of Nova Scotia), 334 Bloor West Limited and The Governing Council of the University of Toronto.

In addition to the above, there is an additional Appellant at Phase II of the Local Planning Appeal Tribunal Hearing: Bloor Street United Church.

The City Solicitor requires direction on the appeals of Official Plan Amendments 365 and 368. This Motion is urgent as the matter is currently before the Local Planning Appeal Tribunal for a nine-day hearing that commenced on March 25, 2019.

### **Background Information (City Council)**

Member Motion MM5.26

(March 27, 2019) Report from the City Solicitor on Appeals of OPA 365 and OPA 368 - Request for Direction

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131294.pdf>)

Confidential Attachment 1

Confidential Appendix A

Confidential Appendix B

Confidential Appendix C

Confidential Appendix D