

Appeals of OPA 365 and OPA 368 - Request for Direction

Date: March 27, 2019

To: City Council

From: City Solicitor

Wards: Ward 11 – University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

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

Further direction from City Council is required on this matter, which has been appealed to the Local Planning Appeal Tribunal (“LPAT”).

RECOMMENDATIONS

The City Solicitor recommends that:

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.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations.

DECISION HISTORY

A Final Report from the Director, Community Planning, Toronto and East York District, dated November 30, 2016 was considered by City Council on January 31, 2017 and in Council Decision Item TE21.1, City Council adopted Official Plan Amendment No. 365 and Official Plan Amendment No. 368 to the City's Official Plan. Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.1>

Official Plan Amendment No. 365, enacted on March 9, 2017 can be found at the following link:

<https://www.toronto.ca/legdocs/bylaws/2017/law0245.pdf>

Official Plan Amendment No. 368, enacted on March 9, 2017 can be found at the following link:

<https://www.toronto.ca/legdocs/bylaws/2017/law0246.pdf>

COMMENTS

The City-initiated Official Plan Amendment No's 365 and 368 were appealed to the Ontario Municipal Board, now LPAT, pursuant to section 17 of the *Planning Act*. Notwithstanding recent amendments to the *Planning Act* and their proclamation on April 3, 2018, LPAT will maintain jurisdiction over the appeals. A nine-day hearing on the appeals commenced on March 25, 2019. The City Solicitor requires direction on this matter.

CONTACT

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SIGNATURE

Wendy Walberg, City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Report from the City Solicitor
Confidential Appendix "A", "B", "C" & "D" – Confidential Information