



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Tippett Road Area Regeneration Study - City Initiated Official Plan Amendment - LPAT Appeal - Request for Direction

Date: June 18, 2020

To: City Council

From: City Solicitor

Wards: Ward 6 - York Centre

REASON FOR CONFIDENTIAL INFORMATION

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).

At its meeting on December 9, 2015, a Final Report on the results of the Tippett Road Area Regeneration Study (dated October 23, 2015) and Supplementary Report (dated December 7, 2015) from the Chief Planner and Executive Director, City Planning, were considered by City Council. Council adopted Item PG8.6 with amendments, and adopted Official Plan Amendment No. 309 to the City's Official Plan (OPA 309).

OPA 309 was appealed to the former Ontario Municipal Board (now transitioned to the LPAT), by a number of appellants. The only remaining appeal to OPA 309 relates to the lands known municipally as 18 and 20 Champlain Boulevard. A ten (10) day hearing is scheduled at the LPAT, commencing on September 8, 2020. This report seeks instruction on a without prejudice settlement offer that has been submitted to the City. The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting on June 29 and 30, 2020.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of the recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege, and Confidential Appendix 1 remaining confidential).

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

At its meeting December 16, 17 and 18, 2013, City Council adopted OPA 231, which included a Site and Area Specific Policy No. 387, applicable to the lands bounded by Wilson Heights Boulevard, Wilson Avenue, Champlain Boulevard, Highway 401 and William R. Allen Road. SASP 387 states that development will proceed in accordance with a framework to be established through a study of the area that addresses specific matters. The Tippet Road Area Regeneration Study is one of seven Regeneration Areas studies that resulted from City Council's adoption of OPA 231, at the conclusion of the City's Municipal Comprehensive Review of Employment Lands. The Study was initiated in 2013.

At the City Council meeting on December 9 and 10, 2015, a Final Report on the results of the Tippet Road Area Regeneration Study (dated October 23, 2015) and Supplementary Report (dated December 7, 2015) from the Chief Planner and Executive Director, City Planning, were considered. City Council adopted Item PG8.6 with amendments, enacted By-law 1298-2015 adopting OPA 309. The Council decision and Final and Supplementary Reports from the Chief Planner and Executive Director, City Planning, can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.6>

OPA 309 can be found here:

<https://www.toronto.ca/legdocs/bylaws/2015/law1298.pdf>

COMMENTS

OPA 309 was appealed to the former Ontario Municipal Board by a number of appellants, including 1380200 Ontario Limited (the owner of 20 Champlain Boulevard). In its decision dated August 2, 2016, the Ontario Municipal Board granted Champlain Torah Education Centre (the owner of 18 Champlain Boulevard) party status. The only remaining appeal of OPA 309 pertains to the lands municipally known as 18 and 20 Champlain Boulevard. A 10-day hearing on this appeal has been scheduled at the LPAT for September 8, 2020. On June 5, 2020 the City received a without-prejudice settlement offer from Fogler Rubinoff LLP, the solicitor for both 1380200 Ontario Limited and Champlain Torah Education Centre.

The City Solicitor requires direction in this matter prior to the conclusion of the June 29 and 30, 2020 meeting of City Council.

CONTACT

Mark Crawford, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-392-8864, Fax 416-397-5624, Mark.Crawford@toronto.ca

Adrienne deBacker, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-397-5412, Fax 416-397-5624, Adrienne.deBacker@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor

Confidential Appendix 1 - Confidential Information