



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

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

Date: July 21, 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). A 10-day hearing on this appeal has been scheduled at the LPAT for September 8, 2020.

A without prejudice settlement offer dated June 5, 2020, was submitted to the City by Fogler Rubinoff LLP, the solicitor on behalf of Champlain Torah Education Centre and 1380200 Ontario Limited (the owners of 18 and 20 Champlain Boulevard). The City Solicitor sought direction from City Council on the settlement offer at the June 29 and 30, 2020 meeting of Council through a Request for Direction Report (dated June 18, 2020) from the City Solicitor, considered as Item CC22.13. City Council referred Item CC22.13 to the City Solicitor and directed the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning, to continue discussions with the applicants toward a settlement and to report back on any settlement options directly to the July 28 and 29, 2020 meeting of City Council.

As directed, the City engaged in subsequent discussions with the appellant's consultant and legal team. Following these discussions, by letter dated July 17, 2020, counsel to Champlain Torah Education Centre and 1380200 Ontario Limited, wrote to the City indicating that in response to the additional feedback received from City staff and their consultant team, they will be seeking an adjournment of the hearing to a new date as

early as possible in 2021, in order to provide adequate time to provide additional concept and massing drawings, and determine if a resolution is possible.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting on July 28 and 29, 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>

At its meeting on June 29 and 30, 2020, City Council referred Item CC22.13 to the City Solicitor and directed the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning, to continue discussions with the applicants toward a settlement and to report back on any settlement options directly to the July 28 and 29, 2020 meeting of City Council.

The Council decision and Report from the City Solicitor can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC22.13>

COMMENTS

Following the direction of City Council from the June 29 and 30, 2020 meeting, City staff engaged in settlement discussions with the appellants. The City Solicitor requires further direction in this matter prior to the conclusion of the July 28 and 29, 2020 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor

Confidential Appendix 1 to Confidential Attachment 1 - Confidential Information

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