



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### City Initiated Official Plan Amendment 393 - Consumers Next Secondary Plan - Request for Direction Regarding LPAT Hearing

**Date:** November 16, 2020  
**To:** City Council  
**From:** City Solicitor  
**Wards:** Ward 17 - Don Valley North

#### REASON FOR CONFIDENTIAL INFORMATION

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

#### SUMMARY

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At its meeting on March 26, 2018, City Council adopted the ConsumersNext Secondary Plan ("**OPA 393**"), which was the recommended Official Plan Amendment resulting from the ConsumersNext Planning Study (the "**Study**"). The Study reviewed the policy context for lands generally between Highway 404, Highway 401, Sheppard Avenue East and Victoria Park Avenue, but also included lands designated Mixed Use Area north of Sheppard Avenue East and East of Victoria Park Avenue (the "**Study Area**"). The Study examined ways to manage growth anticipated by recent policy changes for lands in the Study Area. OPA 393 was appealed by several appellants: 2450 Victoria Park Inc., the Armenian Community Centre, Elad Canada Inc. ("Elad") Hydin Limited and Fontmil Investments Limited.

The purpose of this report is to request further instructions with respect to the Elad's appeal. City Planning has been involved in the preparation of this report.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 and Appendix A to Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 and Confidential Appendix A to Confidential Attachment 1 to this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege and litigation privilege.

## FINANCIAL IMPACT

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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At its meeting of January 20, 2016 Planning and Growth Management Committee received the ConsumersNext Planning for People and Business at Sheppard and Victoria Park - Phase 1 Report for information.

A link to the Committee decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG9.1>

At its meeting of May 31, 2017, Planning and Growth Management Committee adopted the recommendations of the Chief Planner regarding the ConsumersNext Planning for People and Business at Sheppard and Victoria Park Proposals Report. This report was adopted by City Council without amendment at its meeting of July 4, 2017.

A link to the Committee decision and report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.11>

At its meeting of February 22, 2018, Planning and Growth Management Committee adopted the ConsumersNext Secondary Plan and City Council adopted the report with amendments on March 26, 2018.

A link to the Committee decision and report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG27.2>

## **COMMENTS**

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The City Solicitor requires further instructions with respect to Elad's appeal. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in *camera*.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix A to Confidential Attachment 1 - Confidential Information