

Official Plan Amendment 453 - Dwelling Room Protection Policies - Update and Request for Direction Regarding Ontario Land Tribunal Hearing

Date: September 22, 2021

To: City Council

From: City Solicitor

Wards: City-wide

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On June 18 and 19, 2019, City Council adopted Official Plan Amendment 453 - Policies to Address the Loss of Dwelling Rooms ("**OPA 453**"). OPA 453, a citywide amendment, sought to address the loss of this important low-end of market rental housing stock through redevelopment proposals. OPA 453 introduces replacement requirements, affordability periods, and new definitions to the City's Official Plan, and was the result of extensive consultation. OPA 453 was appealed by a number of appellants to the Local Planning Appeal Tribunal, now continued as the Ontario Land Tribunal. A first Case Management Conference was held on January 27, 2020. A second Case Management Conference is scheduled for October 25, 2021.

The purpose of this report is to provide an update to City Council on the status of the OLT proceeding and request further instructions for the purposes of the upcoming Case Management Conference.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 and Confidential Attachment B, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 and Confidential Attachment A are to remain confidential at the discretion of the City Solicitor.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting of September 2, 2015 the Affordable Housing Committee adopted a motion with respect to large single-room occupancy buildings with 15 or more dwelling rooms. The motion requests, among other matters, an examination of policy options for the City to provide protection for or replacement of this kind of affordable rental housing and provisions for tenant assistance. The motion can be accessed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.AH3.6>

At its meeting of October 12, 2017, Planning and Growth Management Committee adopted a motion that requested the Acting Chief Planner and Executive Director, City Planning to report back in the second quarter of 2018 on a policy framework that protects dwelling rooms similar to policies in the Official Plan that provide for the protection of rental units. The motion can be accessed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG23.11>

At its meeting of June 7, 2018, Planning and Growth Management Committee endorsed a draft Official Plan amendment containing policies to address the loss of dwelling rooms as the basis for public consultation and directed City Planning to conduct open houses and meet with key stakeholders including the development community to obtain comments and feedback regarding the draft policies and report back by the first quarter of 2019. The item can be accessed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.2>

At its meeting of April 30, 2019, Planning and Housing Committee endorsed the revised policies to address the loss of dwelling rooms as the basis for public consultation and directed City Planning to conduct an open house to obtain comments and feedback on the proposed revisions to the policies and prepare a Final Recommendation Report to

be considered at a statutory Public Meeting held by the Planning and Housing Committee on May 28, 2019. Committee also requested City Planning to consider the public presentations and communications from this meeting in addition to the Consultant's summary report on the consultations when preparing the Final Recommendations report. The item can be accessed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH5.2>

At its meeting of June 18 and 19, 2019, City Council adopted OPA 453. The item can be accessed at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH6.1>

COMMENTS

This report has been prepared in consultation with staff from City Planning.

The City Solicitor requires further instructions. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client and litigation privilege. Confidential Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

Joanna Wice, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8782; Fax: (416) 397-5737; Email: joanna.wice@toronto.ca

Jason Davidson, Solicitor, Planning and Administrative Tribunal Law, Tel: (416) 392-4835; Fax: (416) 397-5624; E-mail jason.davidson@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Attachment A to Confidential Attachment 1 - Confidential Information

Confidential Attachment B to Confidential Attachment 1 - Confidential Information