
October 28, 2021

Planning and Housing Committee
City Hall, Committee Room 1
100 Queen St W Toronto ON
M5H 2N2

Dear Chair and Members,

Re: Review of Mediation and Settlement on Planning Process

In recent years the process of negotiations between the City and developers on applications which have been appealed to the Ontario Land Use Tribunal has been questioned with respect to the degree of public transparency. Further, Council is often put in a position of having to consider a settlement offer with: very little time for review; limited ability to discuss it publicly; and, advice which can appear to the public as different from the advice provided in previous public reports.

Ensuring that the planning process is both transparent and seen to be transparent is essential. Ensuring Council has proper oversight of the planning process is essential. At the same time the City Solicitor and Chief Planner have professional obligations and a duty to protect the interests of the City. The negotiation process on applications which are under appeal as it is currently constructed can put these three roles in conflict.

It is therefore appropriate and timely for staff to give advice to Council on the negotiation process for applications which have been appealed.

Recommendation:

1. Direct the City Solicitor, in consultation with the Chief Planner and the City Clerk to report in the first quarter of 2022 on the negotiation process for development applications which have been appealed to the Ontario Land Tribunal. The report should: describe the negotiation process; review any conflict between the negotiation process and public consultation, and Council's authority to manage the development review process; offer advice on best practices; and recommend any policy, regulation or legislative changes which would improve the process in terms of Council's desire to consult with the public and Council's authority to manage the development review process.

Sincerely,

Gord Perks