

Official Plan Amendment 324 - Former Road Allowance Between Lots 24 and 25, Concession A - Request for Direction

Date: January 25, 2022

To: City Council

From: City Solicitor

Wards: Ward 20 - Scarborough Southwest

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

At its meeting on September 30, October 1 and 2, 2015, City Council adopted the recommendations in the Final Report (August 28, 2015) from the Director, Community Planning, Scarborough District approving an Official Plan Amendment and Zoning By-law Amendments for a development located at 411 Victoria Park Avenue and 2510 and 2530 Gerrard Street East. As part of this development approval, City Council enacted By-law 985-2015, Official Plan Amendment 324 (OPA 324), a City initiated Official Plan Amendment to add the former road allowance located on the property at 2480 to 2490 Gerrard Street East to Schedule 2, The Designation of Planned But Unbuilt Roads, in the City's Official Plan. OPA 324 was appealed to the former Ontario Municipal Board (OMB) along with the site specific Official Plan Amendment and Zoning By-law Amendment applications. The site specific appeals were approved by the OMB on a settlement, but the OPA 324 appeal is still ongoing, and a five-day hearing has been scheduled at the Ontario Land Tribunal (OLT) commencing on March 14, 2022. On January 18, 2022, the lone appellant, the owner of 2480 to 2490 Gerrard Street East, submitted a with prejudice settlement offer to the City.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting on February 2, 2022.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendation in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendation is adopted by City Council, then City Council authorize the public release of the recommendation 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).

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting on September 30, October 1 and 2, 2015, City Council adopted the recommendations in the Final Report (August 28, 2015) from the Director, Community Planning, Scarborough District approving an Official Plan Amendment and Zoning By-law Amendments for a development located at 411 Victoria Park Avenue and 2510 and 2530 Gerrard Street East and approving OPA 324. The City Council decision and the Final Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC8.25>

COMMENTS

OPA 324 as adopted by City Council simply adds the extension of the existing Blantyre Avenue north of Gerrard Street East to the planned Musgrave Street extension (the "Blantyre Extension") to Schedule 2, The Designation of Planned But Unbuilt Roads, in the City's Official Plan. There are no policies within OPA 324.

On January 18, 2022, the appellant provided the City with a letter containing a with prejudice settlement offer that proposes to change OPA 324 to a site and area specific official plan amendment that would apply to the Blantyre Extension lands, and by extension the entire property at 2480 to 2490 Gerrard Street East (the "Settlement Offer"). The Settlement Offer is found in Public Appendix 1.

Instead of the proposed Blantyre Extension listed as a planned but unbuilt road in the Official Plan, the Settlement Offer provides for specific policies to apply to the Blantyre Extension lands that would apply to any future development application at 2480 to 2490 Gerrard Street East. The policies include that a public street connection from Gerrard Official Plan Amendment 324 - Former Road Allowance Between Lots 24 and 25, Concession A -Request for Direction

Street East to the Musgrave Street extension should be provided, but the location of the extension is not limited to the Blantyre Extension. Other urban design policies are also proposed to be included in the revised OPA 324. The revised OPA 324 is found in Public Appendix 2.

The City Solicitor requires direction in this matter prior to the conclusion of the February 2, 2022 meeting of City Council

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Appendix 1 - Settlement Offer letter dated January 18, 2022

Public Appendix 2 - Revised Official Plan Amendment 324

Confidential Attachment 1 - Confidential Report from the City Solicitor