

## **Designation of the King-Spadina Heritage Conservation District under Part V of the Ontario Heritage Act - Request for Directions**

**Date:** March 1, 2022

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 10 - Spadina-Fort York

### **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.

The purpose of this report is to request further instructions for the Ontario Land Tribunal hearing under the *Ontario Heritage Act*.

### **SUMMARY**

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City Council designated the King-Spadina Heritage Conservation District and adopted the King-Spadina Heritage Conservation District Plan (the "**King-Spadina HCD**") under Part V of the *Ontario Heritage Act* at its meeting of October 2, 2017. The King-Spadina HCD was subsequently appealed to the Ontario Land Tribunal (the "**OLT**").

The OLT had scheduled a 20 day hearing on the merits of the King-Spadina HCD commencing on April 6, 2020, but it was subsequently adjourned. In order to move forward with this matter, the City Solicitor requires further direction.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (March 1, 2022) from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, Confidential Appendix "A", and Confidential Appendix "B" to the Report (March 1, 2022) from the City Solicitor, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (March 1, 2022) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On October 2, 3 and 4, 2012, City Council directed staff to initiate the King-Spadina Heritage Conservation District study as a result of the application of prioritization criteria, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

On May 23, 2014, the Toronto Preservation Board endorsed the King-Spadina Heritage Conservation District Study to proceed to district designation, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PB31.2>

On November 23, 2016, the Toronto Preservation Board received for information an update on the proposed King-Spadina Heritage Conservation District Plan, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB18.4>

On December 16, 2016, City Council enacted the King-Spadina Heritage Conservation District Study Area By-law, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM23.41>

On September 6, 2017 Toronto and East York Community Council adopted, with amendments, recommendations to designate the King-Spadina Heritage Conservation District and adopt the King-Spadina Heritage Conservation District Plan, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

On October 2, 2017, City Council designated the King-Spadina Heritage Conservation District and adopted the King-Spadina Heritage Conservation District Plan under Part V of the *Ontario Heritage Act*. Council's decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

City Council also enacted a technical amending by-law (By-law 1241-2017) found here:

[https://www.toronto.ca/legdocs/bylaws/2017/law1241.pdf#xd\\_co\\_f=MjA2LjEzMC4xNzM uMjgtMTY1NDI4OTA3Mi4zM DU3NTc0Mw==~](https://www.toronto.ca/legdocs/bylaws/2017/law1241.pdf#xd_co_f=MjA2LjEzMC4xNzM uMjgtMTY1NDI4OTA3Mi4zM DU3NTc0Mw==~)

On October 29, 2019, City Council provided directions to the City Solicitor and City Staff on the King-Spadina Heritage Conservation District, which can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC11.6>

On November 16, 2021, the OLT issued an Order approving the St. Lawrence Heritage Conservation District and District Plan, as amended, bringing it into force and effect.

On November 18, 2021, the OLT issued an Order approving the Garden District Heritage Conservation District and District Plan, as amended, bringing it into force and effect.

## **COMMENTS**

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The purpose of this report is to request further instructions for the OLT Hearing on this matter.

The City Solicitor requires direction on this litigation matter.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Report from City Solicitor

Confidential Appendix "A" - Confidential Information

Confidential Appendix "B" - Confidential Information