

Sherway Area Secondary Plan - City-initiated Official Plan Amendment - Request for Directions

Date: February 28, 2022

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke Lakeshore

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 October 29 and 30, 2019, City Council adopted Official Plan Amendment No. 469, which, among other matters, created Chapter 6, Section 43, Sherway Area Secondary Plan. The Secondary Plan was subsequently appealed to the Ontario Land Tribunal (the "**OLT**") by 9 appellants. An appeal by 2217 The Queensway has been withdrawn of the Secondary Plan.

The purpose of this report is to request further instructions for an ongoing matter before the OLT.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (February 28, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, Confidential Appendix "A", Confidential Appendix "B", and Confidential Appendix "C" to the report (February 28, 2022) from the

City Solicitor, if adopted by City Council, including any part thereof, at the discretion of the City Solicitor.

3. City Council direct that all other information contained in Confidential Attachment 1 to the report (February 28, 2022) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

On September 10, 2013, Etobicoke York Community Council deferred adoption of the recommendations of a staff report dated August 23, 2013, which sought direction to undertake a review and update of the planning policy framework for the Sherway Area, to its October 17, 2013 meeting. The Community Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY26.8>

On October 17, 2013, Etobicoke York Community Council adopted the recommendations of the August 23, 2013 staff report and also requested the Director, Community Planning, Etobicoke York District, to report to the November 19, 2013 meeting of Etobicoke York Community Council, with a preliminary study terms of reference. The City Council decision to adopt Community Council's recommendations can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY28.4>

On November 19, 2013, Etobicoke York Community Council adopted the preliminary study terms of reference from the Director, Community Planning, Etobicoke York District, as the basis for preparing and issuing a formal study terms of reference for the City-initiated Sherway Area Study. The City Council decision to adopt Community Council's recommendations can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY29.8>

On December 13, 2016 City Council adopted the recommendations of the Request for Directions Report on the City-initiated Sherway Area Study, which directed staff to update the existing planning framework for the Sherway Area with a Secondary Plan based on the key findings of the Study, bring forward Urban Design and Streetscape Guidelines for the Sherway Area, and finalize the Transportation and Servicing Master Plans. The Directions Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY18.8>

On October 29 and 30, 2019, City Council adopted Official Plan Amendment No. 469, which contains the Sherway Area Secondary Plan. City Council also adopted the Sherway Area Urban Design and Streetscape Guidelines. City Council's decision may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY9.1>
By-law 1535-2019 adopting OPA 469 may be found here: <https://www.toronto.ca/legdocs/bylaws/2019/law1535.pdf>

Appeal to OLT

On August 13, 2021, the OLT held the first Case Management Conference on OPA 469. The Tribunal confirmed the nine (9) appellants. One appellant has now withdrawn from the proceedings, leaving eight (8) remaining appeals. No parties or participants were identified. The second case management conference was adjourned from January 25, 2022 and rescheduled for May 18, 2022. City staff have engaged in Tribunal-led mediation in an attempt to resolve the appellants' issues with OPA 469.

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" - Confidential Information.

Confidential Appendix "B" - Confidential Information.

Confidential Appendix "C" - Confidential Information.