



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 815-845 Eglinton Avenue East - Official Plan and Zoning By-law Amendments and Plan of Subdivision Applications - Further Request for Directions Report

**Date:** March 2, 2022

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 15 - Don Valley West

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

#### **SUMMARY**

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Riocan Holdings Inc. ("RioCan") applied for Official Plan and Zoning By-law Amendments and Plan of Subdivision to permit the redevelopment of their lands at 815-845 Eglinton Avenue East (the "Applications"). The Applications were appealed to the Local Planning Appeal Tribunal ("LPAT", now Ontario Land Tribunal, "OLT" or "Tribunal") citing Council's failure to make a decision within the time allotted by the Planning Act. The Parties to the appeals participated in a private mediation session on November 18-20, 2019.

In November, 2019, RioCan made a settlement offer to the City to resolve the appeals, which was accepted by City Council at its meeting of November 26 and 27, 2019 (the "Settlement Offer"). City Council directed that in the event that the LPAT allows the appeals in whole or in part, the City Solicitor request that the final order approving the zoning by-law amendments be withheld until the LPAT is advised by legal counsel for the City that, amongst other matters, the final form and content of the zoning by-law amendments are acceptable to the City, and a satisfactory Section 37 Agreement has been executed and registered to secure the Section 37 matters.

At a settlement hearing held before the Tribunal on February 5, 2020, evidence was presented in support of the Settlement Offer. By its Decision and Order issued on March 4, 2020, the Tribunal amended the City of Toronto Official Plan, the Borough of East York (Leaside) Zoning By-law 1916, as amended, and the City Wide Zoning By-law Further Request for Directions Report - 815-845 Eglinton Avenue East

law 569-2013, as amended, and approved the draft Plan of Subdivision to permit the proposed re-development, with the final order withheld in regard to the zoning amendments and the plan of subdivision approval.

Since the Tribunal decision approving the settlement was issued, the City Solicitor has been working with counsel for RioCan and City staff to finalize the form of the zoning by-law amendments and the Section 37 Agreement to implement the Settlement Offer.

The City Solicitor requires further direction in respect of the implementation of the settlement of the rezoning appeals, such that the Section 37 Agreement can be finalized and a final order can be issued in respect of the zoning by-law amendments.

City Planning and Parks, Forestry and Recreation staff have been involved in the preparation of this report.

## **RECOMMENDATIONS**

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1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release of the confidential instructions to staff in Confidential Attachment 1 to the report (March 2, 2022) from the City Solicitor, once adopted by City Council.
3. City Council direct that the balance of Confidential Attachment 1 to the report (March 2, 2022) from the City Solicitor remain confidential at the discretion of the City Solicitor, as it contains advice that is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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Financial implications related to the implementation of the instructions are described in the Confidential Attachment 1.

## **DECISION HISTORY**

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The decision history for the Applications is set out in the Request for Directions Report (October 29, 2019) from the Director, Community Planning, North York District and the Supplementary Request for Directions Report (November 26, 2019) from the City Solicitor. The Reports can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY10.1>

## **COMMENTS**

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This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contain confidential information and should be considered by Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg, City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information