

Official Plan Amendment 144 - St. Clair West Avenue Study - Update and Request for Direction Regarding Ontario Land Tribunal Hearing

Date: May 2, 2022

To: City Council

From: City Solicitor

Wards: Ward 5 - York South-Weston

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 September 22, 2011, City Council adopted Official Plan Amendment 144 (through By-law 1168-2011) ("**OPA 144**"). OPA 144 was the result of the St. Clair West Avenue Study for the segment west of Keele Street/Weston Road to Scarlett Road, which was undertaken by City staff between 2009 and 2011. The effect of OPA 144 was to redesignate the lands on both the north and south sides of St. Clair Avenue to Mixed Use Areas. At the same meeting, City Council also passed corresponding Zoning By-law 1169-2011 and 1170-2011, which made amendments to parent Zoning By-law 438-86 to implement the direction of the OPA 144.

OPA 144 and the implementing by-laws were appealed to the then-Ontario Municipal Board (now, the Ontario Land Tribunal) (the "**Tribunal**") by four landowners.

On July 15, 2016, the Tribunal issued an Order bringing By-law 1169-2011, and portions of OPA 144 into force for the lands west of Runnymede Road, without prejudice to the continuation of the appeals of OPA 144 east of Runnymede Road.

A copy of OPA 144 (By-law 1168-2011) can be found at the following link:

<http://www.toronto.ca/legdocs/bylaws/2011/law1168.pdf>

A copy of Zoning By-law 1169-2011 can be found at the following link:

<http://www.toronto.ca/legdocs/bylaws/2011/law1169.pdf>

A copy of Zoning By-law 1170-2011 can be found at the following link:
<https://www.toronto.ca/legdocs/bylaws/2011/law1170.pdf>

The purpose of this report is to provide an update to City Council on the status of the Tribunal proceeding and request further instructions.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 and Confidential Attachments A and B, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 are to remain confidential at the discretion of the City Solicitor.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting of April 12 and 13, 2011, City Council amended the Official Plan for the lands in the vicinity of St. Clair Avenue West between Scarlett Road and Keele Street/Weston Road to allow for mixed use development within the study area. The City Council item can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY5.2>

COMMENTS

This report has been prepared in consultation with staff from City Planning.

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

CONTACT

Gabe Szobel, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8782;
Fax: (416) 338-1889; Email: gabe.szobel@toronto.ca

Jason Davidson, Solicitor, Planning and Administrative Tribunal Law, Tel: (416) 392-4835; Fax: (416) 397-5624; E-mail jason.davidson@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Attachment A to Confidential Attachment 1 - Confidential Information

Confidential Attachment B to Confidential Attachment 1 - Confidential Information