

King-Spadina Secondary Plan - City-initiated Official Plan Amendment - Request for Directions - Supplementary Report

Date: May 10, 2022

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina-Fort York

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 January 29, 2020, City Council adopted Official Plan Amendment 486, which amended the existing Chapter 6, Section 16, King-Spadina Secondary Plan of the Official Plan. The Secondary Plan was subsequently appealed to the Ontario Land Tribunal (the "OLT") by 46 appellants. On December 15-17, 2021, City Council provided directions to the City Solicitor regarding the appeals of OPA 486.

The purpose of this supplementary report is to request further instructions in this matter which is the subject of an appeal to the OLT.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in the Confidential Attachment 1 to the supplementary report (May 10, 2022) from the City Solicitor.
2. City Council direct that the confidential recommendations and all other information contained in and attached to Confidential Attachment 1 to the supplementary report (May 10, 2022) from the City Solicitor 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

Official Plan Amendment No. 486

On January 29, 2020, City Council adopted Official Plan Amendment No. 486, being an amendment to Chapter 6, Section 16, the King-Spadina Secondary Plan. The Council decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.4>

By-law 112-2020 adopting OPA 486 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2020/law0112.pdf>

On December 15, 16 and 17, 2021, City Council provided directions to the City Solicitor and City staff regarding the appeals of OPA 486:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC38.6>

King-Spadina Public Realm Strategy

On July 14, 15 and 16, 2021, City Council adopted the King-Spadina Public Realm Strategy as a tool to implement the Official Plan and the entire King-Spadina Secondary Plan. The Public Realm Strategy will assist in the continued expansion of much needed improvements, help determine priorities and provide guidance on what should be secured through development review and capital planning. It is aligned with the King-Spadina Secondary Plan, the Downtown Plan and with the Downtown Parks and Public Realm Plan. The Council decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE26.30>

Appeal to OLT

On March 5, 2021, the OLT held the first Case Management Conference for OPA 486. There were 46 appellants of OPA 486 and 4 additional interested persons were granted party status. The City has engaged in Tribunal-led mediation in an attempt to resolve some or all appeals. Subsequent to instructions on December 15-17, 2021, five appeals of OPA 486 have been withdrawn and twenty-two appeals have been scoped on a site and policy specific basis and adjourned sine die to focus on their site-specific development applications. The OLT scheduled a hearing on OPA 486 commencing on July 18, 2022 for 26 days.

COMMENTS

The City Solicitor requires further instructions. This supplementary report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this supplementary 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" to Confidential Attachment 1 - Confidential Information.