

**IMIT Program Community Improvement Plan By-law
1207-2018 Appeals - Request for Direction**

Date: June 6, 2022
To: City Council
From: City Solicitor
Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report concerns litigation that affects the City of Toronto. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On July 27, 2018, City Council enacted By-law 1207-2018, adopting a Community Improvement Plan for Brownfield Remediation and Development of Prescribed Employment Uses ("By-law 1207-2018"). By-law 1207-2018 was appealed to the Ontario Land Tribunal ("OLT" or "Tribunal") by Brookfield Properties (Canada) Inc. ("Brookfield") and by Oxford Properties Group ("Oxford"). The Brookfield appeal has since been withdrawn.

The purpose of this report is to seek instructions in respect of the outstanding Oxford appeal of By-law 1207-2018. City Planning Division and Economic Development and Culture Division have been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and Confidential Appendix A to Confidential Attachment 1, once adopted by City Council.
3. City Council direct that the remainder of Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains information that is pertaining to litigation and subject to solicitor-client privilege.

FINANCIAL IMPACT

There are no financial implications from the adoption of this report.

DECISION HISTORY

On July 27, 2018, City Council enacted By-law 1207-2018, adopting a Community Improvement Plan for Brownfield Remediation and Development of Prescribed Employment Uses. By-law 1207-2018 brought forward a new City-Wide Community Improvement Plan (CIP) that enables the Imagination, Manufacturing, Innovation and Technology (IMIT) incentive Program.

This new CIP replaced three existing CIPs that were adopted in 2008 and amended in 2012, continuing the IMIT Program, improving administration and overall efficiency and ensuring the City provides support for critical new investment in targeted economic sectors. The Council decision document and related staff report can be found here:

[Agenda Item History - 2018.PG31.5 \(toronto.ca\)](#)

COMMENTS

Community Improvement Project Areas

Section 28 of the Planning Act specifies the conditions in which a Community Improvement Project Area can be established, and enables the passing of a supporting Community Improvement Plan. A Community Improvement Project Area can be established for "community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason".

The IMIT Program

The IMIT Program provides a property tax incentive to encourage the renovation or construction of buildings for targeted employment sectors and brownfield remediation in support of new construction for non-retail employment uses. The Program supports the policy objectives of intensifying new development, encouraging the adaptive reuse of the existing building stock, and promoting the remediation of contaminated employment lands, regeneration areas and mixed use areas throughout the City.

The IMIT Program guidelines call for the City to initiate a review every four years. A new review will be initiated in 2022 and is expected to be completed in 2023.

Background

Staff have engaged in without prejudice discussions with counsel for Oxford with a view to resolving the only outstanding appeal of By-law 1207-2018. The purpose of this report is to provide an update on the outcome of these discussions and to seek further instructions.

Conclusion

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from City Solicitor

Confidential Appendix A to Confidential Attachment 1 - Confidential Information