

## **1900 Eglinton Avenue East - Official Plan Amendment and Zoning By-law Amendment - Supplementary Report**

**Date:** June 14, 2022

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 21 - Scarborough Centre

### **REASON FOR CONFIDENTIAL INFORMATION**

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This supplementary report contains advice or communications that are subject to solicitor-client privilege. This supplementary report contains information regarding potential litigation.

### **SUMMARY**

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On August 20, 2019, the applicant submitted an Official Plan Amendment for the lands municipally known as 1900 Eglinton Avenue East (the "**Subject Lands**") to permit a mixed-use development including new public streets and parkland. On April 13, 2021, the applicant submitted a Zoning By-law Amendment for the southwest portion of the lands at 1900 Eglinton Avenue East ("Phase 1"). The Phase 1 development would consist of two (2) mixed-use buildings that would include commercial uses at grade and residential uses above with maximum building heights of 38 and 40 storeys. The Subject Lands are located within the Golden Mile Secondary Plan area.

On April 23, 2020, the applicant appealed their proposed Official Plan Amendment to the Ontario Land Tribunal (the "**OLT**") due to Council's failure to make a decision within the statutory timeframe.

The applicant appealed their proposed Zoning By-law Amendment to the Ontario Land Tribunal (the "**OLT**") due to Council's failure to make a decision within the statutory timeframe.

The purpose of this supplementary report is to request further instructions regarding the matters appealed to the OLT.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Supplementary Report (June 14, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, Confidential Appendix "A", Confidential Appendix "B" and Confidential Appendix "C" to the Supplementary Report (June 14, 2022) from the City Solicitor, if adopted by City Council, at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 to the Supplementary Report (June 14, 2022) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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### **Eglinton Connects**

In May 2014, City Council directed City Planning staff to undertake further study of the six focus areas that were identified in the Eglinton Connects Planning Study, including the Golden Mile. Further information regarding the Eglinton Connects Planning Study can be found at:

<https://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-68062.pdf>

### **Official Plan Amendment Application**

On November 5, 2019, Scarborough Community Council adopted the Preliminary Report dated October 17, 2019 from the Director, Community Planning, Scarborough District regarding the Official Plan Amendment application for the subject lands. The application proposes to amend the Official Plan to add a Site and Area-Specific Policy ("SASP") for the property at 1900 Eglinton Avenue East to permit a mixed-use development, including new public streets and parkland. The Preliminary Report and Scarborough Community Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC10.6>

On March 10, 2021, City Council adopted a Request for Directions Report dated February 5, 2021, from the Director, Community Planning, Scarborough District regarding the Official Plan Amendment application for the subject lands. City Council directed the City Solicitor and appropriate staff to attend the OLT hearing to oppose the applicant's appeal regarding the Official Plan Amendment application for the subject lands. City Council also authorized City staff to continue discussions with the applicant to resolve the outstanding issues detailed in the report dated February 5, 2021, from the Director, Community Planning, Scarborough District.

The Request for Directions Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2021/sc/bgrd/backgroundfile-164124.pdf>

The City Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.SC22.6>

### **Zoning By-law Amendment Application**

In February 2021, the owner submitted rezoning application 21 111522 ESC 21 OZ with respect to 1900 Eglinton Avenue West at the southwest portion of the subject lands (referred to as Phase 1).

On June 25, 2021, Scarborough Community Council adopted the Preliminary Report dated June 3, 2021 from the Director, Community Planning, Scarborough District regarding the Phase 1 Zoning by-law Amendment Application. Planning staff were directed to proceed with public consultation and process the applications. The Preliminary Report and Scarborough Community Council decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.SC25.4>

### **Appeal to OLT**

On April 23, 2020, the applicant filed an appeal to the OLT regarding the Official Plan Amendment Application for the subject lands, citing the City's failure to make a decision on the requested Official Plan Amendment within the statutory timeframe set out in the Planning Act.

On October 28, 2020, the OLT conducted a Case Management Conference on the appeal, having regard to the GMSP Study and OPA 499 still before Council. Bell Canada and Toronto Lands Corporation (a subsidiary of the Toronto District School Board) were added as parties to the proceedings.

A second Case Management Conference was held on March 23, 2021, and a hearing had been scheduled for June 6-24, 2022, but was subsequently adjourned.

The applicant filed an appeal with the OLT citing the City's failure to make a decision on the requested Zoning By-law Amendment within the statutory timeframe set out in the Planning Act. The first Case Management Conference for the Zoning By-law

Amendment was held on April 22, 2022 and a further Case Management Conference is scheduled for June 23, 2022.

### **Golden Mile Secondary Plan**

In May 2016, City Planning staff initiated the Golden Mile Secondary Plan ("**GMSP**") Study to develop a vision and comprehensive planning framework for the Golden Mile area that would include Secondary Plan policies and guidelines/strategies that direct:

- Built form, public realm, community infrastructure, and public art strategies;
- A transportation master plan and master servicing plan;
- Urban design guidelines; and
- Implementation/financial strategies.

In consultation with staff from other City divisions and agencies, City Planning staff worked with a team of land use planning, urban design, transportation, servicing, and community services and public engagement consultants led by SvN Architects + Planners Inc. ("SvN"). The GMSP Study concluded its three phase study approach, including several public consultations and discussions with landowners, key stakeholders and interested persons, and a Secondary Plan and proposed policies were prepared for consideration at a Statutory Public Meeting Scheduled for July 17, 2020.

On July 17, 2020, Scarborough Community Council commenced a Statutory Public Meeting on Official Plan Amendment 499, including the Golden Mile Secondary Plan and associated Urban Design Guidelines. Scarborough Community Council adjourned the Public Meeting and deferred consideration on OPA 499 to the Scarborough Community Council meeting on October 16, 2020. The decision of Scarborough Community Council, the proposed OPA 499 and reports from City Planning may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC16.3>

On October 27, 28 and 30, 2020, City Council adopted, as amended, Official Plan Amendment 499, including the Golden Mile Secondary Plan. The decision of City Council, Official Plan Amendment 499 and reports from City Planning may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC18.1>

Official Plan Amendment 499 has been appealed to the OLT by 20 appellants, including the owner of the Subject Lands. A CMC was held on May 19, 2021 and April 1, 2022.

On March 9, 2022, City Council considered a report from the City Solicitor on proposed modifications to Official Plan Amendment No. 499. The decision of City Council may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC41.9>

On June 7, 2022, the City Solicitor submitted a request for directions report to City Council for the June 15 and 16, 2022 City Council meeting. The report may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC45.15>

## **COMMENTS**

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

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" - Confidential Information

Confidential Appendix "B" - Confidential Information

Confidential Appendix "C" - Confidential Information