



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1960 Eglinton Avenue East – Official Plan Amendment Application - Request for Directions

Date: December 5, 2022

To: City Council

From: City Solicitor

Wards: Ward 21 - Scarborough Centre

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 February 4, 2020, the applicant submitted an Official Plan Amendment to add a Site and Area Specific Policy ("**SASP**") to permit a mixed-use development, including a stand-alone employment facility, a new public street, public parkland and open space for the property at 1960 Eglinton Avenue East (the "**Subject Lands**"). The Subject Lands are located within the Golden Mile Secondary Plan (the "**GMSP**") area and are designated *Mixed Use Areas*.

On October 28, 2020, the applicant appealed their proposed SASP to the Ontario Land Tribunal (the "**OLT**") due to Council's failure to make a decision within the statutory timeframe.

A Case Management Conference ("**CMC**") is scheduled for January 11, 2023.

The purpose of this report is to request further instructions regarding a matter appealed to the OLT.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report (December 5, 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 this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report 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

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

DECISION HISTORY

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 (20 112107 ESC 21 OZ)

A pre-application meeting was held on October 29, 2019. The current application was submitted on February 4, 2020 and deemed complete as of that date. On June 19, 2020, Scarborough Community Council adopted the Preliminary Report dated May 25, 2020, from the Director, Community Planning, Scarborough District regarding the application. City staff were authorized to process the application concurrently with, and within the context of, the Golden Mile Secondary Plan Study. The application was only to be considered by City Council concurrently with or following Council's consideration of the GMSP. Council also determined that an Avenue Segment Study was not required given the Secondary Plan Study underway.

Planning staff were also authorized to schedule a community consultation meeting for the subject lands either as a separate meeting (with no expanded notice required beyond 120 metres of the site) or in conjunction with community consultation meetings for the Golden Mile Secondary Plan Study. The Preliminary Report and Scarborough Community Council decision can be found at:

<https://www.toronto.ca/legdocs/mmis/2020/sc/bgrd/backgroundfile-147604.pdf>

On May 5, 2021, City Council adopted the recommendations of City Planning and directed City Staff to attend the OLT to oppose the applicant's appeal of the Official Plan Amendment application. City Council also authorized the City Solicitor to continue discussions with the applicant to resolve outstanding matters and directed the City Solicitor to address preliminary issues related to infrastructure required to support anticipated growth in the overall context of the GMSP area.

The decisions of City Council may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.SC23.11>

Appeal to OLT

On October 28, 2020, the applicant filed an appeal to the OLT 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 June 29, 2021, the OLT conducted a Case Management Conference on the appeal. RioCan Holdings Inc. (1966-2050 Eglinton Avenue East), 1920 Eglinton Avenue (Madison), and the Toronto District School Board were added as parties to the proceedings.

An OLT hearing had been set for November 28, 2022, which was adjourned on consent of all parties.

Related Application

No related applications have been filed on the Subject Lands at this time.

Golden Mile Secondary Plan

In May 2016, City Planning staff initiated the **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. 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 No. 499 ("**OPA 499**"), including the GMSP 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, OPA 499, including the GMSP. The decision of City Council, OPA 499 and reports from City Planning may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC18.1>

OPA 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, April 1, 2022 and May 31, 2022.

On March 9, 2022, City Council considered a report from the City Solicitor on proposed modifications to OPA 499. The decision of City Council may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC41.9>

COMMENTS

The City Solicitor requires further instructions on this matter. 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 advice and should be considered by City Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information