

## **Designation of the Historic Yonge Street Heritage Conservation District Under Part V of the Ontario Heritage Act – Request for Directions**

**Date:** April 27, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Wards 11 and 13 – University-Rosedale and Toronto Centre

### **REASON FOR CONFIDENTIAL INFORMATION**

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

### **SUMMARY**

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City Council designated the Historic Yonge Street Heritage Conservation District and adopted the Historic Yonge Street Heritage Conservation District Plan (the "Historic Yonge HCD") at its meeting of March 10, 2016. The Historic Yonge HCD was subsequently appealed to the Ontario Land Tribunal (the "OLT" or "Tribunal").

The OLT has scheduled the next case management conference in this proceeding for July 24, 2023. A merits hearing has not yet been scheduled. This report requests direction from City Council with respect to the ongoing OLT appeal process.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor, Confidential Attachments 2-5 if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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At the March 10, 2016 meeting of City Council, Council adopted item TE14.4 and bylaw 235-2016, designating the Historic Yonge Heritage Conservation District and adopting the Historic Yonge Heritage Conservation District Plan. The City Solicitor was instructed to attend the OLT in the event any appeals were filed. That decision also added a number of properties to the Heritage Register. For more information, see the Council decision and Request for Directions Report at the following link: <https://secure.toronto.ca/council/agenda-item.do?item=2016.TE14.4>

At the June 26, 2018 meeting of City Council, Council considered a report from the City Solicitor seeking direction on a policy harmonization strategy for the Historic Yonge HCD and the related North Downtown Yonge Site and Area Specific Policy 382 (Official Plan Amendment 183). For more information, see the Council decision and Request for Directions Report at the following link: <https://secure.toronto.ca/council/agenda-item.do?item=2018.TE33.21>

## COMMENTS

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The Historic Yonge Street HCD Study was initiated in 2013 as a collaboration between Heritage Planning staff and a consultant team led by DIALOG. The Historic Yonge Street HCD, originally adopted by Council on March 10, 2016, is currently under appeal to OLT in its entirety. Appellants have raised concerns with the appropriateness of district designation for the area, including its boundary and the content, structure and policies of the HCD Plan. Unlike appeals under the *Planning Act*, under Part V of the *Ontario Heritage Act* an HCD cannot come into force until all appeals have been resolved or dismissed. As such, the Historic Yonge Street HCD will not be binding on new development applications until such time as the OLT approves the document as a whole.

As part of the HCD Plan report, adopted by City Council on March 10, 2016, the identified "contributing" properties fronting onto Yonge Street were included on the City's Heritage Register, as "listed" properties. Further, at its meeting on April 12, 2023, Toronto and East York Community Council adopted inclusion of 11 additional properties, identified as contributing properties in the Historic Yonge Street HCD, on the City's Heritage Register.

Site and Area Specific Policy 382 (SASP 382), adopted by City Council through Official Plan Amendment 183 (OPA 183), includes a number of policies to manage growth and change within the SASP 382 boundary, which overlaps with the Historic Yonge Street

HCD boundaries (the "District"). OPA 183, determined through the North Downtown Yonge Planning Framework Study, was adopted by Council in 2013 and was appealed to the Tribunal. The appeals pertaining to the general application of OPA 183, with the exception of heritage policies were dealt with through the Tribunal hearings known as phase 1 and resulted in a Tribunal decision and order issued on August 25, 2017 which brought much of OPA 183 into effect.

At its meeting on June 26, 2018, City Council authorized the City Solicitor and appropriate City staff to attend the OLT (formerly Local Planning Appeal Tribunal) in respect of the appeals of OPA 183 and the HCD Plan, in support of the modifications to the HCD Plan, as set out in the proposed policy harmonization strategy in the staff report. City Council also instructed the City Solicitor to make technical and stylistic changes that may be required to the amendments to the HCD Plan as set out in the report.

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

## **CONTACT**

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Matthew Longo, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8109; Fax: (416) 397-5624; Email: [matthew.longo@toronto.ca](mailto:matthew.longo@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information
4. Confidential Attachment 4 - Confidential Information
5. Confidential Attachment 5 - Confidential Information