



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# Sheppard Willowdale Secondary Plan - City-Initiated Official Plan Amendment 560 - Ontario Land Tribunal Hearing - Request for Directions

**Date:** April 27, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 18 - Willowdale

### 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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On February 2 and 3, 2022, City Council adopted Official Plan Amendment 560, which, among other matters, deleted and replaced Chapter 6, Section 29, Sheppard Avenue Commercial Area Secondary with a new Sheppard Willowdale Secondary Plan ("OPA 560"). OPA 560 was subsequently appealed to the Ontario Land Tribunal (the "OLT") by 4 appellants. There are no parties or participants to the OLT proceeding.

The OLT has scheduled a hearing commencing on July 24, 2023 for 10 days and the deadline for Expert Witness Statements for OPA 560 is on May 23, 2023. Given this timing, this item is urgent and cannot be deferred.

The purpose of this report is to request further instructions in this matter which is the subject of appeals 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 this report from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Appendix "A", Confidential Appendix "B", Confidential Appendix "C", Confidential Appendix "D", and Confidential Appendix "E" to this report 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 this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it is about litigation before the OLT and contains advice or communications that are 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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### **Sheppard Avenue Area Study Process and Sheppard Willowdale Secondary Plan**

At its meeting of January 19, 2016, Community Council approved a status report outlining the scope of work for the review of both the western and eastern segments of the Sheppard Avenue Commercial Area Secondary Plan ("SACASP") in three phases. Community Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2016.NY11.32>

Community Council's direction initiated the review to expand the permitted uses with a mix of residential and retail uses, as well as to incorporate angular planes and other appropriate and desirable measures to protect adjoining Neighbourhoods, that would abut to the desired mix of residential and retail uses on Sheppard Avenue East and West of the North York Centre Secondary Plan area.

#### *Phase 1 - Review of the Western Portion (Sheppard Lansing Secondary Plan)*

At its meeting of January 31, 2017, City Council adopted the Official Plan Amendment for the western segment of the SACASP review. The west segment of the SACASP was renamed the Sheppard Lansing Secondary Plan (OPA 367). City Council's decision can be viewed here:

<https://secure.toronto.ca/council/agenda-item.do?item=2017.NY19.33>

By-law 123-2017 adopting OPA 367 can be found here:

<https://www.toronto.ca/legdocs/bylaws/2017/law0123.pdf>

OPA 367 was appealed by local landowners to the former Local Planning Appeal Tribunal. On September 9, 2019, the former Local Planning Appeal Tribunal dismissed the appeals in their entirety and OPA 367 was approved without modifications.

## *Phase 2 - Review of the Eastern Portion (Sheppard Willowdale Secondary Plan)*

On February 2 and 3, 2022, City Council adopted OPA 560 and established the new Sheppard Willowdale Secondary Plan. The Secondary Plan review updated the vision and planning framework for this section of Sheppard Avenue East which includes an expanded Plan Area, land uses for *Mixed Use Areas*, density, heights, and transitions to *Neighbourhoods*, public realm, and streetscape improvements on Sheppard Avenue East.

By-law 44-2020 adopting OPA 560 can be found here:  
<https://www.toronto.ca/legdocs/bylaws/2022/law0044.pdf>

## *Phase 3 - Urban Design Guidelines and Streetscape Plan*

Urban Design Guidelines and Streetscape Plan would be developed for the entire Sheppard Avenue corridor within the Plan Areas of Phase 1 and Phase 2. This work would be conducted by external consultants, subject to funding approval during the budget cycle, who would be retained by the City to prepare the guidelines and final streetscape recommendations.

## **ReNew Sheppard East (Sheppard Avenue East Planning Review)**

On February 2 and 3, 2022, City Council reinforced directions to continue the on-going review of the Sheppard East Subway Corridor Secondary Plan including updated policies through the study process for the lands located to the north and south of Sheppard Avenue East between the west side of Bayview Avenue and the east side of Leslie Street. City Council's decision can be found here:  
<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY29.27>

City staff are developing a vision and plan to guide growth and future development within the Sheppard Avenue East corridor between Bayview Avenue and Leslie Street in consultation with the public and affected stakeholders. The ReNew Sheppard East Planning Study (Sheppard Avenue East Planning Review) will provide recommendations to clarify, refine, and/or strengthen the existing policy framework, which could include official plan changes, and area-specific planning tools and policies. The ReNew Sheppard East Planning webpage may be found here:  
<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/sheppard-avenue-east-study/>

## **Appeal to OLT**

On October 11, 2022, the OLT held the first Case Management Conference on OPA 560. The Tribunal confirmed four appeals to OPA 560. No parties or participants were identified. The Tribunal held a second case management conference on February 28, 2023. The City has engaged in discussions with various appellants in an attempt to resolve some or all appeals. An OLT hearing on OPA 560 is scheduled to commence on July 24, 2023 for 10 days.

## **COMMENTS**

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

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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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
5. Confidential Appendix "D" - Confidential Information
6. Confidential Appendix "E" - Confidential Information