



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# University of Toronto St. George Campus Secondary Plan - Official Plan Amendment Application – Ontario Land Tribunal Hearing – Request for Directions

**Date:** May 30, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11 - University Rosedale

### 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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The Governing Council of the University of Toronto (the "University") applied in September, 2016 to amend the Official Plan to establish a new Secondary Plan for the University of Toronto St. George Campus area. The proposal was to replace the existing University of Toronto Secondary Plan that was adopted in 1997, to provide an updated policy framework that would manage change and guide new development in the area.

Following detailed analysis, public and stakeholder consultation, and input from various City Divisions, staff wrote and recommended a new University of Toronto St. George Campus Secondary Plan ("OPA 582" or the "Secondary Plan"), as well as implementing Urban Design Guidelines (the "Urban Design Guidelines") for the lands generally bounded by Bloor Street West to the north, Spadina Avenue to the west, College Street to the south and an irregular boundary generally running along Bay Street to the east. City Council adopted the Secondary Plan and Urban Design Guidelines at its meeting on July 19 to 22, 2022. The adopted Secondary Plan builds on the existing planning framework, including the Downtown Plan, to provide area-specific policies regarding the public realm, built form and land uses.

Following City Council's adoption of the Secondary Plan and Urban Design Guidelines, the Secondary Plan was appealed to the Ontario Land Tribunal (the "OLT") by three appellants, including by the Toronto Catholic District School Board, which purported to appeal the Secondary Plan in its entirety, and which has not scoped its appeal on consent at this time.

The City Solicitor requires further directions for the upcoming OLT hearing event, which has been scheduled for July 28, 2023. City Council's consideration of this matter should not be deferred beyond the conclusion of the June 14 to 16, 2023 meeting of City Council, because said meeting is the last opportunity available to the City Solicitor to obtain instructions sufficiently in advance of the hearing event to properly represent the City's interests in those proceedings.

**City Planning has been involved in the preparation of this report.**

## **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 Attachment 2 and Confidential Attachment 3, 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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A Preliminary Report on the application was adopted by Toronto and East York Community Council on January 17, 2017 authorizing staff to hold a community consultation meeting with an expanded notification area. The Toronto and East York Community Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.29>

A Status Report on the application was adopted by City Council on July 23, 2018, which provided an update on the evaluation process and emerging directions of the application, endorsing principles for the Area that have guided the development of the recommended Secondary Plan and Urban Design Guidelines, directing staff to complete an inventory of potential heritage properties in the Area, and requiring Heritage Impact Assessments for development applications that affected existing and potential heritage properties in the Area. The City Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.88>

A Final Report on the application, recommending adoption of the Secondary Plan and the Urban Design Guidelines, was adopted by City Council at its meeting on July 19-22, 2022. The City Council decision, and copies of the as-adopted Secondary Plan and Urban Design Guidelines are available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.8>

At the same meeting of July 19-22, 2022, City Council amended the 1997 University of Toronto Secondary Plan and the former City of Toronto Zoning By-law 438-86, to permit a 39-storey mixed use building with institutional and residential uses at 95 St. Joseph Street, including a 12-storey podium housing a long term care/senior's facility with a 27-storey residential tower above the façade of the existing 4-storey heritage building, while relocating an existing on-site chapel. The City Council decision is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.7>

## COMMENTS

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There were three appeals of the Secondary Plan to the OLT:

- an appeal by the Honourable Ted Arnott in his capacity as Speaker of the Legislative Assembly of Ontario of the entire plan, which has been withdrawn;
- an appeal by the Basilian Fathers of Toronto and Daniels HR Corporation with respect to the property at 95 St. Joseph Street, which was resolved by way of modifications to Chapter 9 and Map 20-4 of the Secondary Plan, by the OLT in January, 2023, to render the Secondary Plan consistent with City Council-approved OPA 599 and Zoning By-law 1030-022. OPA 599 and Zoning By-law 1030-022 approved a high-density mixed-use development for the property at 95 St. Joseph Street, including institutional, residential and commercial uses, including a seniors' residence; and
- an appeal by the Toronto Catholic District School Board (the "TCDSB") of the entire plan, attached to this report as Public Attachment 1.

The TCDSB owns property municipally known as 74 Wellesley Street West (the "TCDSB Property"), which is designated Institutional Areas. The Institutional Areas designation plans for a range of uses including major educational, health and governmental uses. The TCDSB Property is zoned Q T2.0 by former City of Toronto Zoning By-law 438-86. The Q zoning category permits a mix of uses, including a wide range of institutional uses, community services, cultural and arts facilities, retail and services uses, restaurants, government offices and shared housing.

The TCDSB Property is located in the East Campus Character Area of the Secondary Plan, which is an area largely defined by the campuses of Victoria University and University of St. Michael's College. The East Campus has a more intimate public realm character than other parts of the Secondary Plan area, defined by the design and placement of buildings in closer proximity to one another and enclosing open spaces to form quadrangle-like landscapes. The park-like character of the core of the East Campus, which is south of Charles Street West, west of Upper Burwash Hall, south of

St. Mary Street and north of St. Joseph Street, transitions toward a more street-oriented, urban character at its edges to the north, east and south and beyond to the surrounding neighbourhoods.

The TCDSB has advised that given the location and size of the TCDSB Property, and its relationship to adjacent sites with existing or planned developments, the TCDSB Property is a good candidate for eventual redevelopment and intensification with a tall building incorporating multiple uses, with the St. Joseph's College School in the podium and a residential or office use in the tall building portion. The TCDSB has not submitted any *Planning Act* application for the TSDSB Property at this time. The TSDSB appealed the Secondary Plan in its entirety because, in its view, the Secondary Plan and the Urban Design Guidelines did not provide for the redevelopment of the TCDSB property with a tall building element.

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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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Attachment 1 - Notice of Appeal of the Toronto Catholic District School Board of Official Plan Amendment 582 - University of Toronto St. George Campus Area Secondary Plan
2. Confidential Attachment 1 - Confidential Information
3. Confidential Attachment 2 - Confidential Information
4. Confidential Attachment 3 - Confidential Information