

King-Spadina Secondary Plan - City-initiated Official Plan Amendment - Ontario Land Tribunal Hearing - Request for Directions

Date: June 2, 2023

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina-Fort York

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 January 29, 2020, City Council adopted Official Plan Amendment 486 ("OPA 486"), which amended the existing Chapter 6, Section 16, King-Spadina Secondary Plan of the Official Plan. The Secondary Plan was subsequently appealed to the Ontario Land Tribunal (the "OLT") by 46 appellants. On December 15-17, 2021, City Council provided directions to the City Solicitor regarding the appeals of OPA 486. On May 11, 2022, City Council provided further direction to the City Solicitor regarding the appeals of OPA 486.

The OLT hearing was originally scheduled to commence on July 18, 2022 for 26 days, but it was adjourned. A 12 day hearing is scheduled to commence on August 14, 2023. Given this timing, this item is urgent and cannot be deferred.

The purpose of this report is to request further instructions on this matter which is the subject of appeals to the OLT.

RECOMMENDATIONS

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 instructions to staff contained in the Confidential Attachment 1 and Confidential Appendix "A" 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

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

Official Plan Amendment 486

On January 29, 2020, City Council adopted Official Plan Amendment 486, being an amendment to Chapter 6, Section 16, of the King-Spadina Secondary Plan. The Council decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.4>

By-law 112-2020 adopting OPA 486 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2020/law0112.pdf>

On December 15, 16 and 17, 2021, City Council provided directions to the City Solicitor and City staff regarding the appeals of OPA 486:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC38.6>

On May 11 and 12, 2022, City Council provided further directions to the City Solicitor and City staff regarding the appeals of OPA 486:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC43.14>

King-Spadina Public Realm Strategy

On July 14, 15 and 16, 2021, City Council adopted the King-Spadina Public Realm Strategy as a tool to implement the Official Plan and the King-Spadina Secondary Plan. The Public Realm Strategy will assist in the continued expansion of much needed improvements, help determine priorities and provide guidance on what should be secured through development review and capital planning. It is aligned with the policies in the King-Spadina Secondary Plan, and the Downtown Plan and with the Downtown Parks and Public Realm Plan. The Council decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE26.30>

Appeal to OLT

On March 5, 2021, the OLT held the first Case Management Conference for OPA 486. There were 46 appellants of OPA 486 and 4 additional interested persons were granted party status. The City has engaged in Tribunal-led mediation in an attempt to resolve some or all appeals. Subsequent to instructions from City Council on December 15-17, 2021, five appeals of OPA 486 have been withdrawn and twenty-two appeals have been scoped on a site and policy specific basis and adjourned *sine die* to focus on their site-specific development applications. Subsequent to instructions on May 10-11, 2022, several appeals of OPA 486 were withdrawn and/or scoped, and only five appellants remain. The OLT scheduled a hearing on OPA 486 commencing on August 14, 2023 for 12 days.

COMMENTS

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

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Information
2. Confidential Appendix "A" - Confidential Information