

Designation of the King-Spadina Heritage Conservation District under Part V of the Ontario Heritage Act - OLT Hearing - Supplementary Report

Date: November 3, 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

City Council designated the King-Spadina Heritage Conservation District and adopted the King-Spadina Heritage Conservation District Plan (the "King-Spadina HCD") under Part V of the *Ontario Heritage Act* at its meeting of October 2, 2017. The King-Spadina HCD was subsequently appealed to the Ontario Land Tribunal (the "OLT").

The OLT has scheduled a 25 day hearing on the merits of the King-Spadina HCD commencing on January 15, 2024. The City Solicitor requires further direction on the matter.

As permitted by the Tribunal's modified procedural order, on October 13, 2023, the remaining appellants to the King-Spadina HCD filed proposed modifications to the HCD Plan. The City Solicitor has reviewed the proposed modifications with City staff and has determined that further direction from Council is required on this litigation matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this Supplementary Report from the City Solicitor.

2. City Council authorize the public release of the confidential instructions to staff contained in Confidential Attachment 1, Confidential Appendix "A", and Confidential Appendix "B" to this Supplementary 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 Supplementary Report from the City Solicitor 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

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

On October 2, 3 and 4, 2012, City Council directed staff to initiate the King-Spadina Heritage Conservation District study as a result of the application of prioritization criteria, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

On May 23, 2014, the Toronto Preservation Board endorsed the King-Spadina Heritage Conservation District Study to proceed to district designation, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PB31.2>

On November 23, 2016, the Toronto Preservation Board received for information an update on the proposed King-Spadina Heritage Conservation District Plan, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB18.4>

On December 16, 2016, City Council enacted the King-Spadina Heritage Conservation District Study Area By-law, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM23.41>

On September 6, 2017 Toronto and East York Community Council adopted, with amendments, recommendations to designate the King-Spadina Heritage Conservation District and adopt the King-Spadina Heritage Conservation District Plan, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

On October 2, 2017, City Council designated the King-Spadina Heritage Conservation District and adopted the King-Spadina Heritage Conservation District Plan under Part V of the *Ontario Heritage Act*. Council's decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

City Council also enacted a technical amending by-law (By-law 1241-2017) found here: <https://www.toronto.ca/legdocs/bylaws/2017/law1241.pdf>

On October 29, 2019, City Council provided directions to the City Solicitor and City Staff on the King-Spadina Heritage Conservation District, which can be viewed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC11.6>

On March 9, 2022, City Council provided directions to the City Solicitor and City Staff on the King-Spadina Heritage Conservation District, which can be viewed here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.CC41.6>

COMMENTS

As permitted by the Tribunal, on October 13, 2023, the remaining appellants to the King-Spadina HCD filed proposed modifications to the HCD Plan. The City Solicitor prepared a Report for City Council dated October 25, 2023 on this Item, which advised that the City Solicitor was reviewing the proposed modifications with City staff to determine the further direction that may be needed on this matter. 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 Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information