

Designation of the Historic Yonge Street Heritage Conservation District Under Part V of the Ontario Heritage Act, and North Downtown Yonge Site and Area Specific Policy 382 - Official Plan Amendment 183 - OLT Hearing

Date: March 11, 2024

To: City Council

From: City Solicitor

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

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 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").

North Downtown Yonge Site and Area Specific Policy 382 (Official Plan Amendment 183) was adopted by Council in October 2013 to introduce a new land use planning framework for the area. The majority of the SASP was approved by the Tribunal in 2017, but remaining policies relating to heritage were consolidated with the Historic Yonge HCD appeals.

The OLT has scheduled a 15-day hearing of the appeals of the Historic Yonge HCD and North Downtown Yonge SASP beginning June 3, 2024.

As permitted by the Tribunal's modified procedural order, on February 28, 2024, the remaining appellants to the Historic Yonge HCD and North Downtown Yonge SASP 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 City 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 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", 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 contains advice 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 8, 9, 10 and 11, 2013, City Council decided to amend the Official Plan to include the North Downtown Yonge Site and Area Specific Policy 382 (Official Plan Amendment 183), adopt the North Downtown Yonge Urban Design Guidelines, direct staff to apply the guidelines for the evaluation of new and current development proposals, and direct staff to repeal Site and Area Specific Policy 155 once OPA 183 is in full force and effect:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.14>

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>

By order issued August 25, 2017 the OMB (as it then was) issued an order approving much of OPA 193, bringing it into force. However, any policy related to heritage preservation and the Yonge Street Character Area remained under appeal and was to be determined through a "Phase 2" Tribunal hearing.

<https://www.omb.gov.on.ca/e-decisions/PL131355-AUG-25-2017.pdf>

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 links:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.TE33.15>

<https://secure.toronto.ca/council/agenda-item.do?item=2018.TE33.21>

At the May 10, 2023 meeting of City Council, Council considered a report from the City Solicitor containing proposed updates to the Historic Yonge HCD, which was adopted:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC6.3>

COMMENTS

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

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - 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