

## **Designation of the Kensington Market Heritage Conservation District Under Part V of the Ontario Heritage Act - OLT Hearing**

**Date:** March 10, 2026

**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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City Council designated the Kensington Market Heritage Conservation District and adopted the Kensington Market Heritage Conservation District Plan (the "Kensington Market HCD") at its meeting of February 5, 2025. The Kensington Market HCD was subsequently appealed to the Ontario Land Tribunal (the "OLT" or "Tribunal").

The OLT has scheduled a 5-day hearing of the appeals of the Kensington Market HCD beginning June 1, 2026.

The City Solicitor requires further direction from City Council on this litigation matter.

### **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 direct that 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 and information regarding potential litigation.
3. City Council authorize the public release of the confidential instructions to staff contained in Confidential Attachment 1 and the contents of Confidential Appendix "1", Confidential Appendix "2", and Confidential Appendix "3" to this report from the City Solicitor, if adopted by City Council, at the discretion of the City Solicitor.

## **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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At the February 5, 2025 meeting of City Council, Council adopted item TE19.4 and bylaw 94-2025 designating the Kensington Market Heritage Conservation District and adopting the Kensington Market Heritage Conservation District Plan. The City Solicitor was instructed to attend the OLT in the event any appeals were filed. For more information, see the Council decision, Staff Report, and Supplementary Report at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.TE19.14>

## **COMMENTS**

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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. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "1" - Confidential Information
3. Confidential Appendix "2" - Confidential Information
4. Confidential Appendix "3" - Confidential Information