



STAFF REPORT ACTION REQUIRED

Legal Action by 570840 Ontario Ltd. and Aw-Rite Mini Storage Inc. v. City of Toronto

Date:	May 12, 2009
To:	Etobicoke York Community Council
From:	City Solicitor
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	

SUMMARY

Aw-Rite Mini Storage Inc. and 570840 Ontario Ltd. have commenced an action against the City with respect to the provisions of a subdivision agreement pertaining to the development of a townhouse project at 21 and 24 Fleeceline Road. At its meeting held on April 21, 2009, Etobicoke York Community Council by the adoption of Item EY26.31 requested the City Solicitor to report to Etobicoke York Community Council on the issues referred to in the action and possible settlement of the claim, and further that staff report on the status of a \$25,000 contribution for public art with respect to the development. Research regarding this action is continuing and accordingly, this report recommends that the City Solicitor report directly to the City Council meeting of May 25th and 26th, 2009.

RECOMMENDATIONS

The City Solicitor recommends that Etobicoke York Community Council:

1. direct the City Solicitor to report directly to the City Council meeting of May 25th and 26th, 2009 with respect to the issues referred to in the action commenced by 570840 Ontario Ltd. and Aw-Rite Mini Storage Inc. regarding the subdivision of the lands formerly known as 21 and 24 Fleeceline Road., such report to include the status of the public art contribution for the development

FINANCIAL IMPACT

The recommendations have no financial impact beyond what has already been approved in the current year's budget.

ISSUE BACKGROUND

The litigation against the City involves the obligations under the subdivision agreement pertaining to the townhouse development at 21 and 24 Fleeceline Road.

COMMENTS

Investigation of the claim against the City involves the review of documents from the former City of Etobicoke dating back to the 1990's. As that research is ongoing, the City Solicitor is not yet in a position to fully report to Etobicoke York Community Council. As the matter is scheduled to be heard by the Court on June 25, 2009 it would be appropriate for the City Solicitor to report directly to the City Council meeting of May 25th and 26th, 2009 for instructions. This is a time sensitive matter.

CONTACT

Brian Haley
Solicitor, Planning and Administrative Tribunal Law
Legal Services
Tel: 416-392-6757
Fax: 416-397-5624
E-mail: bhaley@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor