



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

386-394 Symington Avenue 405 Perth Avenue and 17 Kingsley Avenue – Official Plan and Zoning By-law Amendment Applications –Request for further Direction

Date: November 9, 2018
To: City Council
From: City Solicitor
Wards: Ward 9 – Davenport

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

At its meeting of May 22-24, 2018 City Council adopted Item CC 41.9, thereby accepting a settlement offer from the appellant, Symington Holdings Ltd. The settlement offer included revised plans showing, most significantly, decreased building heights including a 16-storey tower in the middle of the subject property, a 7 storey mid-rise building fronting onto Symington Avenue, and stacked townhouses on the Perth Avenue and Kingsley Avenue frontages. The settlement, among other matters, also provided for section 37 cash contributions including a \$500,000 contribution to the Conseil Scolaire Viamonde (the "Conseil") for improvements to its school yard located immediately to the west of the subject property, contingent on a community use agreement, and a further \$250,000 contribution to the City for the purpose of parks improvements in the vicinity of the subject property.

Following Council's decision, further discussions occurred between the owner and the Perth Symington Kingsley Residents Association (the "Association"), being a party to the proceeding. The Association took issue with the allocation of the section 37 funds. A further mediation session was held by the Local Planning Appeal Tribunal (the "LPAT") including the City, the appellant and the Association.

The appellant and the Association reached a tentative agreement respecting the section 37 contribution including:

1. a reallocation of the City's component of the section 37 contribution towards local improvements rather than strictly park improvements; and
2. revised wording to allow the Association to provide input in terms of the design and the public's use of the Conseil's school yard.

The City was unable to commit to either of the above noted changes to the settlement in the absence of further Council direction and committed to reporting to seek instructions from Council at the earliest opportunity. Accordingly, the City Solicitor requires further direction on an urgent basis.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendation contained in Confidential Attachment 1; and
2. If the confidential recommendation contained in Confidential Attachment 1 is adopted, that City Council authorize the public release of the confidential recommendation contained in Confidential Attachment 1, but that the balance of Confidential Attachment 1 remain confidential.

FINANCIAL IMPACT

There is no financial impact arising from the Confidential Recommendations.

DECISION HISTORY

The Preliminary Report was considered by Etobicoke York Community Council on May 10, 2016. The Preliminary Report can be viewed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY14.9>

The Directions Report was considered by City Council on December 5, 6, and 7, 2017. The Directions Report can be viewed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY26.9>

The Settlement Report was considered by City Council on May 22-24, 2018. Council's decision to adopt the settlement offer can be viewed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC41.9>

COMMENTS

On October 25, 2018 the parties attended a one-day LPAT hearing. The appellant presented the plans that formed the basis of the settlement offer. In accordance with the agreement reached between the appellant and the Association, the appellant presented two options for the section 37 contribution as follows:

Option 1: the section 37 allocation would occur as contemplated by the settlement offer, with \$500,000 directed to the Conseil and \$250,000 directed to the City for the purpose of parkland improvements in the vicinity of the subject property.

Option 2: the section 37 contribution to the Conseil would remain as originally offered, but the \$250,000 directed to the City would be allocated towards local improvements rather than parkland improvements.

The appellant also presented two options for wording in relation to the Association's input into the design and use of the Conseil's school yard.

The proposed revised section 37 wording is attached to this Report as Public Attachment 1.

The City Solicitor advised the LPAT that she did not have instructions regarding changes to the section 37 matter and would require an opportunity to report through to Council for further direction.

CONTACT

Abbie Moscovich, Solicitor, Tel. No. 416-392-6905 Fax No. 416-397-5624 E-mail: Abbie.Moscovich@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment 1 - Proposed Revised Section 37 Wording
Confidential Attachment 1 - Confidential Information