



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 413-435 Roehampton Avenue – Official Plan Amendment, Zoning Amendment, and Rental Housing Demolition Applications – Request for Further Direction Regarding LPAT Hearing

**Date:** December 3, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 15 - Don Valley West

### REASON FOR CONFIDENTIAL INFORMATION

---

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

### SUMMARY

---

Mt. Pleasant Roehampton Developments Limited (the "Applicant") is the owner of the properties municipally known as 413-431 Roehampton Avenue (the "Subject Property"). The Applicant applied for official plan and zoning by-law amendments in order to facilitate a proposed redevelopment of the Subject Property. The application proposes a 4-storey (including rooftop walkouts) apartment building containing 26 stacked back-to-back townhouse style units along Roehampton Avenue and a block of nine 2-storey townhouse units to the rear of the apartment building (the "Application"). Two semi-detached dwelling units will be retained to the east and west of the new apartment building. The Application proposes 45 parking spaces in a below grade garage. The Application requires the demolition of six semi-detached dwelling units, of which one is a rental dwelling unit, to facilitate the development. An application for Rental Housing Demolition under Chapter 667 of the Municipal Code has been filed to permit the demolition of the rental dwelling unit.

The Applicant appealed the Application to the Ontario Municipal Board (the "OMB") (now known as the Local Planning Appeal Tribunal) (the "LPAT") due to City Council's failure to make a decision. The appeal is known as LPAT Case No. PL170596. A five day hearing of this appeal was scheduled to be heard by the LPAT from November 26 to 30, 2018. The hearing was adjourned on consent of the parties to permit the City to bring this report and seek further direction from City Council regarding the LPAT hearing.

As a result, this matter is urgent and the City Solicitor is bring this report for the purpose of requesting further instructions for the rescheduled LPAT hearing.

City Planning has been involved in the preparation of this report.

## **RECOMMENDATIONS**

---

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Attachment 2 and Confidential Attachment 3 to this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential, as it contains advice that is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

---

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

---

On December 5, 2017, City Council adopted the recommendations in Item TE28.10 pertaining to a Request for Direction Report from the Director, Community Planning, Toronto and East York District dated September 26, 2016 regarding the proposed development (the "Request for Direction Report"). The recommendations of the Request for Direction Report adopted by City Council instructed the City Solicitor and appropriate staff to oppose the appeal of the Application before the OMB/LPAT. For more information, see the Request for Direction Report at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.10>

## **COMMENTS**

---

The City Solicitor requires further instructions. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential information and should be considered by Council in camera. The City Solicitor requires direction on an urgent basis because the hearing was adjourned to permit the City Solicitor to seek instructions at the first available opportunity.

## **CONTACT**

---

Alexander J. Suriano, Solicitor, Legal Services Division, Planning & Administrative Law,  
Tel: 416-392-4827, Fax: 416-397-4421, E-mail: [Alexander.Suriano@toronto.ca](mailto:Alexander.Suriano@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information (on file with the City Clerk for the purposes of the December 13, 2018 City Council meeting)