



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 491 Glencairn Avenue and 278, 280 & 282 Strathallan Wood Road - Supplemental Report - Official Plan and Zoning By-law Amendment Applications - Request for Directions

**Date:** June 17, 2019

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 8 - Eglinton-Lawrence

### 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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This report is supplemental to the City Solicitor's Report of June 10, 2019, regarding Official Plan and Zoning By-law Amendment Applications submitted in January, 2014, which proposed a 12-storey, 38.5 metre high (excluding elevator overrun) mixed use building at 491 Glencairn Avenue and 278, 289 & 282 Strathallan Wood Road. The Applications were revised in November, 2016 to reduce the height, the gross floor area, and the number of units, and to increase the non-residential gross floor area (the "**Revised Applications**").

The Ontario Municipal Board (the "**OMB**"), now continued as the Local Planning Appeal Tribunal (the "**LPAT**"), conducted a hearing on the Revised Applications, at which the City Solicitor and other City staff appeared in opposition. The OMB issued a decision in which it did not approve the proposed development, but in which it also did not dismiss the Applicant's appeal. The OMB allowed the Applicant the opportunity to amend its proposal in accordance with the directions outlined in its decision, and to continue discussions with the City and other parties to the appeal.

The LPAT has now scheduled a further hearing date of June 24, 2019.

The purpose of this supplemental report is to request further instructions for the June 24, 2019 LPAT hearing.

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

## **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.
2. City Council authorize the public release of the confidential the recommendations contained in the Confidential Attachment 1, and Confidential Attachment 2, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice and information which is subject to privilege.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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The site has previously been the subject of a planning application for Site Plan Control (File #06 191554 NNY 16 SA) for a 5 unit townhouse development submitted in 2006 and subsequently a Notice of Approval Conditions was issued on March 10, 2009. A Minor Variance application (A0833/06NY) was also submitted and approved by the Committee of Adjustment in 2008 with minor variances in relation to maximum site coverage, setbacks and lot area. This Minor Variance application was appealed to the OMB and was subsequently approved, subject to conditions.

On April 8, 2014, North York Community Council adopted the Preliminary Report on the Applications. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY31.24>

In 2015, the Applicant appealed the Applications to the OMB for Council's failure to make a decision.

On June 14, 2016, North York Community Council considered a Request for Direction report dated May 27, 2016, from the Director, Community Planning, North York District. The recommendations were adopted by Council on July 12, 2016 without amendment and without debate. The report can be found at the following link:

Report for Action with Confidential Attachment - 491 Glencairn Avenue and 278, 280 & 282 Strathallan Wood Road - Official Plan and Zoning By-law Amendment Applications - Request for Directions

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY15.43>

A Hearing of the OMB was held in January and February, 2017. The OMB issued a decision with respect to this matter on November 24, 2017, which can be found at the following link:

<http://www.omb.gov.on.ca/e-decisions/pl151148-Nov-24-2017.pdf>

The LPAT has now scheduled a further hearing date of June 24, 2019.

## **COMMENTS**

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The City Solicitor requires further instructions. This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information