



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1391 Weston Road – Zoning By-law Amendment Application – Request for further Direction Regarding LPAT Hearing

Date: September 23, 2019

To: City Council

From: City Solicitor

Wards: Ward 5 - Etobicoke North

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

2478838 Ontario Inc. (the "Applicant") is the owner of the property municipally known as 1391 Weston Road (the "Subject Property"). On May 11, 2018, the Applicant applied for a zoning by-law amendment to City of York Zoning By-law 1-83 in order to facilitate a redevelopment of the Subject Property (the "Application"). In addition to the Application, the Applicant also submitted a Site Plan Application (the "Site Plan Application"). The Application proposed a gas station and associated commercial building kiosk to be developed on the Subject Property. The proposed service station would contain four gas pumps, on a 486 square metre paved surface area, with 362 square metre landscaped area proposed on the northern site boundary. The proposed commercial building would have a floor area of 62 square metres and would be located at the southern site boundary at the Weston Road / Jane Street intersection. The kiosk would have glazing on its northern frontage, no glazing on the Weston Road and Jane Street frontages and a door on its southern frontage. The Application would require the demolition of the one-storey commercial building occupied by three restaurant operations.

At its meeting of July 23, 2018, City Council refused the Application and the Applicant appealed the refusal to the Local Planning Appeal Tribunal (the "LPAT"). The refusal

was appealed under the Bill 139 regime and related LPAT rules (the "Appeal"). The Applicant also filed an appeal of its Site Plan Application to the LPAT (the "Site Plan Appeal").

The City and the Applicant filed appeal records, case synopses and related affidavits and attended at a mandatory Case Management Conference ("CMC") on March 6, 2019. At the CMC the parties advised that they were not in a position to set a hearing on the merits and requested a further CMC to facilitate continued discussions between the parties on a without prejudice basis. The LPAT set a further CMC for October 24, 2019 and set aside the Site Plan Appeal to advance the Appeal of the Application.

The City Solicitor is bringing this report for the purpose of requesting instructions for the upcoming CMC. 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, 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 that is subject to solicitor-client privilege and that Confidential Attachments 2, 3 and 4 remain confidential at the discretion of the City Solicitor.

FINANCIAL IMPACT

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

DECISION HISTORY

A pre-application consultation meeting was held with the Applicant on April 13, 2016, to provide preliminary feedback and discuss complete application submission requirements. The drawings presented at the meeting are similar to those formally submitted as part of the Zoning By-law Amendment application and the Site Plan Control Application on April 13, 2018 and deemed complete on May 11, 2018.

A Request for Interim Directions report on the Applications was received by Etobicoke York Community Council on July 4, 2018. On July 23, 2018, City Council refused the Zoning By-law Amendment application to permit a gas station and associated

commercial building and directed the City Solicitor and appropriate City staff to attend the LPAT in support of City Council's decision should the refusal be appealed. The Request for Directions report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY32.23>

The Applicant appealed the site specific Zoning By-law Amendment application to the LPAT.

Following the appeal of the site specific Zoning By-law Amendment application to the LPAT, the parties attended at a mandatory CMC on March 6, 2019. A second Case Management Conference has been scheduled for October 24, 2019.

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.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Advice
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information
4. Confidential Attachment 4 - Confidential Information