



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

6020 & 6030 Bathurst Street - Zoning By-law Amendment Application - Request for Directions

Date: December 11, 2019
To: City Council
From: City Solicitor
Wards: Ward 6 - York Centre

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City of Toronto.

The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On April 5, 2018, the City Clerk's office received a Notice of Appeal to the Local Planning Appeal Tribunal (the "Tribunal" or "LPAT") filed by Timbercreek Asset Management Inc. (the "Owner") in respect of an application to amend City of Toronto By-law 569-2013, as amended, and former City of North York By-law 7625, as amended, for the lands municipally known as 6020 & 6030 Bathurst Street (LPAT Case No. PL180386).

The grounds for the appeal are City Council's failure to make a decision on the application prior to the lapsing of the statutory time period under the Planning Act.

Direction from City Council is required on this matter which has been appealed to the Tribunal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1;
2. City Council authorize the public release of the recommendations in Confidential Attachment 1 and the information in Appendix A, Appendix B, Appendix C, and

Appendix F to Confidential Attachment 1 in the event City Council adopts the recommendations in Confidential Attachment 1; and

3. City Council direct the balance of Confidential Attachment 1, including Appendix D and Appendix E, remain confidential as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Recommendations to this Report.

DECISION HISTORY

A Request for Interim Directions Report from the Director, Community Planning, North York District, dated June 26, 2018 was considered by the North York Community Council on July 4, 2018 and by City Council on July 23, 2018. The subject lands and the lands municipally known as 25 Fisherville Road, 6040 Bathurst Street & 5 Fisherville Road, 6010 Bathurst Street, and 12 Rockford Road were also the subject of a staff recommendation in the same report that a study be undertaken for the purpose of developing a block context plan for this the above lands. City Council's decision in respect of this report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.8>

A Confidential Report from the City Solicitor, dated July 15, 2019, was considered by City Council on July 16, 2019. City Council's decision in respect of the Confidential Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.28>

COMMENTS

The Tribunal has scheduled provisional hearing dates for a contested hearing of this appeal starting February 18, 2020. The hearing, should it occur, would be 8 days long.

A separate Notice of Appeal has also recently been filed by IMH 25 Fisherville Ltd. in respect of its application to amend City of Toronto By-law 569-2013, as amended, and former City of North York By-law 7625, as amended, for lands municipally known as 25 Fisherville Road. These lands are also within the study area for the block context plan as described above. A separate City Solicitor's Report, dated December 11, 2019, requests directions from City Council in respect of the appeal for these neighbouring lands.

Another separate Notice of Appeal has also been filed by Fisherville and Bathurst Limited in respect of its application to amend City of Toronto By-law 569-2013, as amended, and former City of North York By-law 7625, as amended, for lands municipally known as 6040 Bathurst Street & 5 Fisherville Road (LPAT Case No. PL171014). These lands are also within the study area for the block context plan as described above. A separate City Solicitor's Report, dated December 11, 2019, requests directions from City Council in respect of the appeal for these neighbouring lands. The next appearance before the LPAT in respect of these lands is scheduled for January 6, 2020.

This Report should be read together with the two separate Reports referred to immediately above.

Direction from City Council in respect of the subject appeal is required prior to January 6, 2020.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information.

Confidential Appendix A to Confidential Attachment 1 - Confidential Information.

Confidential Appendix B to Confidential Attachment 1 - Confidential Information. Copy on file with the City Clerk for the purpose of the December 16 & 17, 2019 City Council meeting.

Confidential Appendix C to Confidential Attachment 1 - Confidential Information. Copy on file with the City Clerk for the purpose of the December 16 & 17, 2019 City Council meeting.

Confidential Appendix D to Confidential Attachment 1 - Confidential Information.

Confidential Appendix E to Confidential Attachment 1 - Confidential Information.

Confidential Appendix F to Confidential Attachment 1 - Confidential Information.