



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**Management of Excess Soil from Large Redevelopment and Construction Projects – Legal Issues**

<b>Date:</b>	November 20, 2013
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	City Solicitor
<b>Wards:</b>	All
<b>Reason for Confidential Information:</b>	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions. This report contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	

**SUMMARY**

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This report has been prepared to accompany a report prepared by the Chief Planner and Executive Director, City Planning Division entitled "Management of Excess Soil from Large Redevelopment and Construction Projects" dated November 7, 2013, dealing with the management of excess soil from large redevelopment and construction projects. In discussing the issue with staff from the City Planning Division, it is apparent that the report prepared by the Chief Planner raises potential legal issues. This report addresses those legal issues.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1; and
2. the recommendations contained in Attachment 1 be made public if Council directs the requirement of Material Management Plans. The rest of the legal advice contained in Attachment 1 should remain confidential.

## **Implementation Points**

In the event that Council directs the requirement of Material Management Plans for large developments as proposed by the Chief Planner, the recommendations in Attachment 1 be considered and incorporated as appropriate.

## **Financial Impact**

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

## **DECISION HISTORY**

The current report from the Chief Planner was prepared in response to Notice of Motion MM37.25 adopted by City Council at its meeting of July 16, 17, 18 and 19, 2013.

As a result of discussion during the preparation of the Chief Planner's report, my staff concluded that a confidential report from Legal Services should be available to Committee and Council to review legal issues associated with this proposed initiative.

## **ISSUE BACKGROUND**

See Attachment 1.

## **COMMENTS**

See Attachment 1.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski  
City Solicitor

## **ATTACHMENTS**

Attachment 1 – Confidential Information (Management of Excess Soil from Large Redevelopment and Construction Projects – Legal Issues)