



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**172, 176, and 180 Finch Avenue West, 1-11 and 23  
Grantbrook Street - Official Plan and Zoning By-Law  
Amendment Applications – Request for Directions  
Report**

<b>Date:</b>	September 30, 2015
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 23 - Willowdale
<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 and this report contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	13 185749 NNY 23 OZ

**SUMMARY**

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Further direction from City Council is required on three matters that have been appealed to the Ontario Municipal Board ("OMB").

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the Confidential Recommendations to staff in Attachment 1; and
2. Council authorize the public release of the Confidential Recommendations, if adopted, with the balance of the Confidential Attachment 1, Confidential Attachment 2 and Schedule "A" to remain confidential.

**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 July 11, 2013, Anndale Properties Limited filed Official Plan Amendment and Zoning By-law applications with the City to permit the mixed-use redevelopment of the lands known as 172, 176, and 180 Finch Avenue West, 1-11 and 23 Grantbrook Street (File No. 13 185749 NNY 23 OZ).

At its meeting of September 10, 2013, North York Community Council deferred consideration of Item NY26.44 respecting the Preliminary Report for 172, 176, and 180 Finch Avenue West, 1-11 and 23 Grantbrook Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY26.44>

At its meeting of October 17, 2013, North York Community Council adopted Item NY27.16, Preliminary Report - Official Plan and Zoning By-law Amendment Applications - 172, 176 and 180 Finch Avenue West, 1-11 and 23 Grantbrook Street, with amendments.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY27.16>

At its meeting of February 10, 2015, City Council authorized the City Solicitor and appropriate staff to support the Chief Planner and Executive Director's refusal of the application for demolition under Section 34 of the Ontario Heritage Act for the property at 172 Finch Avenue West, which was appealed to the Ontario Municipal Board (File No. MM140090).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY3.8>

On September 17, 2014, Anndale Properties Limited appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Ontario Municipal Board for Council's failure to make a decision on the Applications within 180 days and 120 days, respectively (Case No. PL141059).

At its meeting of March 31, 2015, City Council adopted Item NY4.23 Request for Directions report and directed the City Solicitor and appropriate staff to oppose the Official Plan Amendment and Zoning By-law Amendment appeals.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY4.23>

On May 26 and 27, 2015, City staff and Anndale Properties Limited participated in mediation at the Ontario Municipal Board.

A hearing for these matters at the Ontario Municipal Board is scheduled to commence October 19, 2015.

## **ISSUE BACKGROUND**

There are three separate matters that have been appealed to the OMB that require further direction from City Council: the Official Plan Amendment appeal (File No. PL141059),

the Zoning By-law Amendment appeal (File No. PL141060) and the Heritage Demolition or Removal appeal (File No. MM140090).

## **COMMENTS**

This report is about litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1 - Confidential Information and Recommendations