



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1677-1679 Bathurst Street and 73-75 Elderwood Drive - Official Plan, Zoning Amendment and Rental Housing Demolition and Conversion Applications - Directions Report

Date: July 13, 2018

To: City Council

From: City Solicitor

Wards: Ward 21 – St. Paul's

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

This application proposes a 4-storey apartment building containing 45 dwelling units and 41 vehicular parking spaces at 1677-1679 Bathurst Street and 73-75 Elderwood Drive. An application for Rental Housing Demolition and Conversion under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) has also been filed. A total of 13 rental units are currently located on the site and are proposed to be demolished and replaced within the proposed building.

The applicant appealed its Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board due to City Council's failure to make a decision within the time prescribed by the *Planning Act*.

On October 2, 2017, Council considered a request for directions report.

On April 3, 2018, amendments to the *Planning Act* came into force and the Ontario Municipal Board was continued as the Local Planning Appeal Tribunal ("LPAT"). A hearing of the Appeals at the LPAT has been scheduled for December 3, 2018.

The purpose of this report is to report back as Council previously directed and to request further instructions for the Local Planning Appeal Tribunal hearing.

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, Confidential Attachments 2 and 3, if adopted by 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 which is subject to solicitor-client privilege.

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 October 2, 2017, City Council adopted a Request for Directions Report from the Director, Community Planning, Toronto and East York District, instructing the City Solicitor to oppose the appeals of the Official Plan Amendment and the Zoning By-law Amendment in their current form, to continue discussions with the applicant, and to report back to Council. Further, Council deferred any decision on the application to demolish the existing 13 rental dwellings. The Council Decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.23>.

COMMENTS

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

CONTACT

Cigdem Iltan, Solicitor, Planning & Administrative Tribunal Law, Tel: (416) 392-1652; Fax: (416) 397-5624; Email: cigdem.iltan@toronto.ca.

Matthew Schuman, Solicitor, Planning & Administrative Tribunal Law, Telephone (416) 397-4227; Fax (416) 397-5624; E-mail: matt.schuman@toronto.ca.

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information.

Confidential Attachment 2 - Confidential Information

Confidential Attachment 3 - Confidential Material (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)