



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

368 & 372 Briar Hill Avenue - Zoning Amendment Application and Site Plan Control Application - Request for Directions Regarding LPAT Hearing

Date: July 16, 2018
To: City Council
From: City Solicitor
Wards: Ward 16 - Eglinton-Lawrence

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

Stehel Corp. and Hillworth Corp. (collectively, the "Applicant") are the owners of lands municipally known as 368 and 372 Briar Hill (the "Subject Site"). The Subject Site is located at the north-east corner of Avenue Road and Briar Hill Avenue.

On September 19, 2017, the Applicant submitted a Zoning By-law Amendment application to the City proposing to amend former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013 to permit the development of a seven unit, 3-storey townhouses development on the Subject Site (the "Zoning Application"). Six of the proposed townhouses units would front onto Avenue Road and the larger corner unit would front onto Briar Hill Avenue. The proposed townhouses would have frontages of 4.8 metres (for five units), 6.1 metres (for one unit), and 10.52 metres (for the corner unit). The proposed townhouses would have heights ranging from 9.54 metres to 10.4 metres, and a total gross floor area of 1,652.3 square metres. Vehicular parking for residents is proposed to be provided in an enclosed parking garage with seven parking spaces. On September 19, 2017, the Applicant also submitted to the City a related application for Site Plan approval (the "Site Plan Application").

On March 28, 2018, the Applicant appealed both the Zoning Application and the Site Plan Application to the Ontario Municipal Board (the "OMB") (now known as the Local Planning Appeal Tribunal) (the "LPAT") due to City Council's failure to make a decision. The appeals of the Zoning Application and Site Plan Application have been consolidated as LPAT File No. MM180034. A three day LPAT hearing regarding the appeals is scheduled to commence on January 16, 2019.

The purpose of this report is to request further instructions for the upcoming LPAT 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 Attachment 2, and Confidential Appendix A to Confidential Attachment 2 to this report, 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 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 November 14, 2017 the North York Community Council adopted a Preliminary Report from City Planning on the Zoning By-law Amendment Application for 368 and 372 Briar Hill Avenue. A copy of Community Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY26.13>

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. Attachment 1 to this report contains confidential advice 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 Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Appendix A to Confidential Attachment 2 (on file with the City Clerk for the purpose of the July 23, 24, 25, 2018 City Council meeting).