



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **625-627 Sheppard Avenue East and 6, 8, 10, and 12 Greenbriar Road – OMB Appeal – Request for Direction Report**

**Date:** January 30, 2018  
**To:** City Council  
**From:** City Solicitor  
**Wards:** Ward 24 - Willowdale

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege.

#### **SUMMARY**

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The purpose of this report is to seek further instruction for the Ontario Municipal Board ("OMB") hearing on the appeals of City Council's direction to oppose the Official Plan and Zoning By-law amendment application at 625-627 Sheppard Avenue East and 6, 8, 10, and 12 Greenbriar Road. A 9-day OMB hearing is scheduled to commence on February 20, 2018.

#### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the recommendations contained in the Confidential Attachment 1 and Confidential Appendix "A", if adopted by City Council, but that the remainder of the Confidential Attachment 1 remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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The current official plan and zoning by-law amendment application was received on February 19, 2016 and on May 10, 2016 North York Community Council deferred consideration of the Preliminary Report on the application. North York Community Council requested a report from Urban Forestry on whether any trees on the property had been damaged and/or whether they had been protected, and requested Municipal Licensing and Standards to report on whether there were any outstanding property standards issues.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-92463.pdf>

At its meeting of June 14, 2016 North York Community Council adopted the Preliminary Report and directed City Planning to schedule a community meeting together with the Ward Councillor, and that the applicant be required to resolve any outstanding issues of compliance with City by-laws, to be reviewed by City staff prior to scheduling the meeting. The following report concerning property standards at the subject address was also considered at the June 14, 2016 North York Community Council meeting:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-93823.pdf>

At its meeting of June 14, 2016 North York Community Council considered the following report concerning tree protection for 625-627 Sheppard Avenue East and 6, 8 and 10 Greenbriar Road:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-94071.pdf>

At its meeting of July 4-7, 2017, City Council directed that staff in Water Infrastructure Management, Toronto Water, in consultation with Engineering and Construction Services and City Planning staff, initiate an assessment of the remaining sanitary sewer capacity along the Sheppard Avenue East corridor between Bayview Avenue and Leslie Street, and report back to North York Community Council in the fourth quarter of 2017 with the results of the assessment.

At its meeting of December 5, 2017 City Council Considered a Request for Direction and Supplemental Report and instructed the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing in opposition to the application. Council also directed staff to continue discussions with the applicant to address issues identified in those reports and to report back to Council on the outcome, including regarding matters related to Section 37 benefits.

The Request for Direction Report and Supplementary Report can be found at <https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-108626.pdf> and <https://www.toronto.ca/legdocs/mmis/2017/cc/bgrd/backgroundfile-109813.pdf>

## **COMMENTS**

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This report is about ongoing 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 City Council *in camera*.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Report from City Solicitor

Confidential Appendix "A" - Confidential Information on file with the City Clerk for the purpose of the January 31, 2018 and February 1 and 2, 2018 City Council Meeting.