



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

50-52 Finch Avenue East – Official Plan Amendment, Zoning By-law Amendment, and Site Plan Applications – Request for Direction Regarding LPAT Hearing

Date: December 3, 2018
To: City Council
From: City Solicitor
Wards: Ward 18 - Willowdale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

SUMMARY

Global Vision Inc. (the "Applicant") is the owner of the properties municipally known as 50-52 Finch Avenue East (the "Subject Property"). The Applicant applied for official plan and zoning by-law amendments in order to facilitate a proposed redevelopment of the Subject Property. The Applicant has also applied for related site plan approval. The application proposes the redevelopment of the site for a 9 storey mixed use residential and commercial building with 64 residential units, 182 square metres (m²) of ground floor commercial uses, and a total FSI of 5.37 under Zoning By-law No. 7625 (the "Applications"). A total of 42 parking spaces are proposed to be provided on two below grade parking levels. A total of 50 bicycle parking spaces are also proposed to be located below grade.

The Applicant appealed the Applications 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 appeal is known as LPAT File Nos. PL171419, PL171420, and MM170085. A four day hearing of this appeal is scheduled to be heard by the LPAT on June 11 to 14, 2019. A prehearing for this matter is scheduled on January 19, 2019.

As a result, the City solicitor is bring this report for the purpose of requesting instructions for the upcoming LPAT prehearing and hearing. Accordingly, this matter is urgent.

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, Confidential Attachment 3, 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 that 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 September 12, 2016, North York Community Council considered and adopted the recommendations in Item NY16.30 pertaining to a Preliminary Report from the Director, Community Planning, North York District dated August 16, 2016 regarding the proposed development (the "Preliminary Report"). For more information, see the Preliminary Report at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY16.30>

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 information and should be considered by Council in camera.

CONTACT

Alexander J. Suriano, Solicitor, Planning & Administrative Law, Tel: 416-392-4827, Fax: 416-397-4421, E-mail: Alexander.Suriano@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information (on file with the City Clerk for the purposes of the December 13, 2018 City Council meeting)