



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 33 Murray Avenue (Harris-White House) – Request for Direction

**Date:** January 17, 2019

**To:** Toronto Preservation Board and City Council

**From:** City Solicitor

**Wards:** Ward 23, Scarborough North

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

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This report concerns litigation or potential litigation that affects the City of Toronto.

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 in relation to an objection by the Estate of Vivian R. White to City Council's October 2, 2017 decision to state its intention to designate the property at 33 Murray Avenue under Part IV, Section 29 of the Ontario Heritage Act, which is currently before the Conservation Review Board (the "CRB").

#### **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 instructions in Confidential Attachment 1 and Confidential Appendices A through C if adopted by City Council, with the balance of the Confidential Attachment 1 to remain confidential 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 property at 33 Murray Avenue was included on the City of Toronto's Heritage Register on September 27, 2006, when City Council adopted the Planning and Transportation Committee Report 6 recommendation that pre-amalgamation properties listed by former municipalities be confirmed as listed under the provisions of the 2005 revisions of the Ontario Heritage Act:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/cofa.pdf>

The property at 33 Murray Avenue is subject to an Intention to Designate, adopted by City Council on October 2, 2017:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC24.9>

This designation has been objected to by the Estate of Vivian R. White and is currently a matter before the CRB. The CRB process is ongoing. A fourth pre-hearing conference is in the process of being scheduled for February 2019.

## **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 the Toronto Preservation Board and 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  
Confidential Appendix B – Confidential Information  
Confidential Appendix C – Confidential Information (On file with the City Clerk for the purposes of the January 30 and 31, 2019 Council meeting).