



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

50-52 Finch Avenue East – Official Plan Amendment, Zoning By-law Amendment, and Site Plan Applications – Supplementary Solicitor's Report

Date: January 29, 2019
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

The purpose of this Supplementary Report is to provide additional information to City Council regarding the Local Planning Appeal Tribunal ("LPAT") appeals for the properties municipally known as 50-52 Finch Avenue East (the "Subject Property").

Global Vision Inc. (the "Applicant") has appealed to the LPAT official plan and zoning by-law amendment applications (the "Applications") which propose to develop the Subject Property as a 9 storey mixed use residential and commercial building with 64 residential units and 182 square metres of ground floor commercial uses.

The City Solicitor previously submitted a report to City Council dated December 3, 2018 (the "Solicitor's Report") requesting direction regarding the ongoing LPAT appeals and upcoming hearing. The Solicitor's Report was submitted to City Council as Item CC1.14. At its meeting on December 13, 2018, City Council deferred consideration of the Solicitor's Report and Item CC1.14 to the January 30 and 31, 2019 meeting of City Council.

The LPAT appeals are 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 that was originally scheduled to take place on

January 29, 2019, has been adjourned on consent of the Applicant and the City in order to accommodate City Council's consideration of the Solicitor's Report and this Supplementary Report and to give City Council the opportunity to provide the City Solicitor direction at its January meeting. 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 Confidential Attachment 1 to this report, including the confidential recommendations contained in Confidential Attachment 1, if the confidential recommendations are adopted by City Council.

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>

On December 13, 2018, City Council deferred consideration of Item CC1.14 pertaining to a Solicitor's Report from the City Solicitor dated December 3, 2018. For more information, see the Solicitor's Report at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC1.14>

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

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information