



REPORT FOR ACTION

258, 260, 264, 266, 268 & 270 Sheppard Avenue West and 1 & 3 Addington Avenue - Official Plan Amendment and Zoning By-law Amendment Applications - Request for Direction

Date: March 15, 2019

To: City Council

From: City Solicitor

Wards: Ward 18 - Willowdale

SUMMARY

Direction is needed from City Council on an urgent basis for the Local Planning Appeal Tribunal prehearing conference scheduled for April 1, 2019, for the official plan amendment and zoning by-law amendment appeals regarding the application for official plan amendment and zoning by-law amendment for 258, 260, 264, 266, 268 & 270 Sheppard Avenue West and 1 & 3 Addington Avenue. The City Solicitor will be providing a supplementary Report for Action with Confidential Attachment for Council's consideration of this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council provide the City Solicitor and other appropriate staff with direction in respect of the upcoming Local Planning Appeal Tribunal prehearing conference scheduled for April 1, 2019 regarding 258, 260, 264, 266, 268 & 270 Sheppard Avenue West and 1 & 3 Addington Avenue.

FINANCIAL IMPACT

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

DECISION HISTORY

Applications to amend the Official Plan and Zoning By-law were submitted on June 30, 2017 to permit an 8-storey mixed use building with 163 residential units and retail uses at-grade measuring 28.05 metres in height with a floor space index (FSI) of 3.7. City Planning provided a preliminary report to the North York Community Council on September 18, 2017.

At its meeting of October 17, 2017, North York Community Council directed staff to hold a community consultation and give notice of the applications.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY25.6>

On November 13, 2017, the applicant appealed the zoning by-law amendment application to the Ontario Municipal Board (as it then was) for Council's failure to make a decision. On December 28, 2017, the applicant also appealed Council's failure to make a decision on the application for the official plan amendment.

The Local Planning Appeal Tribunal (which is the successor tribunal to the Ontario Municipal Board) held prehearing conferences on May 28, 2018 and November 16, 2018 to identify parties in the case and identify potential issues. At the November 16, 2018 prehearing conference the applicant and the City advised the Tribunal that they were engaged in discussions regarding the application and would update the Tribunal at the April 1, 2019 Prehearing Conference.

COMMENTS

Direction is needed by the City Solicitor and other staff for the upcoming LPAT prehearing conference scheduled for April 1, 2019. At the April 1, 2019 prehearing conference, the parties are expected to provide their issues for the hearing and dates for the exchanges of witness lists, witness statements and other matters. Accordingly, it is urgent that the City Solicitor and other relevant staff obtain instruction from City Council at the March 27-28, 2019 meeting of City Council in order to prepare for the LPAT hearing and to make effective use of the April 1st prehearing conference.

The City Solicitor will be providing Council with confidential advice regarding the litigation through provision of a supplementary report and confidential attachment to City Council.

CONTACT

Matthew Schuman, Solicitor, Legal Services Division, Tel: (416) 397-4227, Fax: (416) 397-5624, Email: matt.schuman@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor