



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

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 26, 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 of Toronto.

The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

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.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release of the confidential instructions to staff in Confidential Attachment 1, Confidential Attachments 2 and 3, once adopted by City Council.
3. City Council direct that the balance of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There are no financial implications from the adoption of this report

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

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. Attachments 1-3 to this report contain 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 Report from City Solicitor
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information (On file with the City Clerk for the March 27 and 28, 2019 meeting of City Council)