



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1200 Dundas Street West – Zoning By-law Amendment Application – Request for Direction Regarding LPAT Hearing

Date: May 6, 2019

To: City Council

From: City Solicitor

Wards: Ward 9 - Davenport

REASON FOR CONFIDENTIAL INFORMATION

1. This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.
2. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

Dundas Ossington Developments Limited (the "Applicant") is the owner of the property municipally known as 1200 Dundas Street West (the "Subject Property"). In 2017, the Applicant applied for zoning by-law amendment in order to facilitate a proposed redevelopment of the Subject Property. The 2017 proposal included an 8-storey mixed-use building, containing 76 dwelling units, 605 square metres of retail space on the ground floor and a total of 59 parking spaces within an underground garage. It would have a total gross floor area of 6,348 square metres (the "Application"). The Application will require site plan approval, which is yet to be submitted.

The Applicant appealed the Application to the Local Planning Appeal Tribunal (the "LPAT") due to City Council's failure to make a decision. The appeal is known as LPAT File No. PL171337. A four day hearing of this appeal is scheduled to be heard by the LPAT commencing on May 21, 2019.

The City Solicitor is bringing this report for the purpose of requesting instructions for the upcoming LPAT hearing.

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 and 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

The Application was received on June 15, 2017 and deemed complete on July 25, 2017. A Preliminary Report (October 23, 2017) on the Application identifying preliminary issues to be addressed and authorizing staff to conduct a community consultation meeting was adopted by Toronto and East York Community Council on November 8, 2017.

The preliminary report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.39>

On November 19, 2017 the applicant appealed the site specific Zoning By-law Amendment application to the Local Planning Appeal Tribunal, citing Council's failure to make a decision on the application within the time period prescribed by the *Planning Act*.

A four day hearing is scheduled to begin on May 21, 2019. Given the hearing length, a Pre-hearing conference was not scheduled and a procedural order or issues list was not required.

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
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information (on file with the City Clerk for the purposes of the May 14, 2019 City Council meeting)