



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

240 Markland Drive - Zoning By-law Amendment Applications - Request for Direction Report

Date: July 5, 2019
To: Toronto City Council
From: City Solicitor
Wards: Ward 2 - Etobicoke Centre

REASON FOR CONFIDENTIAL INFORMATION

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

This application proposes to amend the Etobicoke Zoning Code to permit the development of two buildings including: a 9-storey residential apartment building fronting Bloor Street West with an integrated 3-storey residential townhouse block at the northwest corner of Broadfield Drive; and a 3-storey residential building at the northeast corner of Markland Drive and Sunplains Crescent. Combined, these buildings would contain 164 units. The existing 10-storey, 113 unit apartment building would be retained.

The owner appealed the Zoning By-law Amendment application to the Ontario Municipal Board, now Local Planning Appeal Tribunal ("LPAT"), citing City Council's failure to make a decision within the prescribed time frame set out in the Planning Act.

At the June 26, 27, and 28, 2018 meeting of City Council, Council provided City Legal staff with direction to oppose the zoning amendment in its current form, but set out modifications to the development (reduction of the overall height of the Bloor building by 1 storey, and introducing terracing to the south end of the Bloor building) that could form the basis of a settlement.

The LPAT has held two pre-hearing conferences in this matter, and an 8-day hearing is scheduled to commence September 16, 2019.

The purpose of this report is to request further instructions for the upcoming LPAT hearing.

RECOMMENDATIONS

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 confidential recommendations contained in the Confidential Attachment 1, and Confidential Appendix A, 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

There are no financial implications from the adoption of this report.

DECISION HISTORY

On June 26, 2018 City Council adopted Item EY31.8 and instructed the City Solicitor to attend the LPAT in opposition to the appeals relating to the lands. That instruction also directed staff to take steps "as may be necessary to implement City Council's decision", which in this case includes action to seek and retain external professional consultants as necessary to oppose the revised proposal. For more information, see the Council decision and Request for Directions Report at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY31.8>

COMMENTS

The City Solicitor requires further instructions in relation to this appeal. 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

Confidential Attachment 1 - Confidential Report from City Solicitor
Confidential Appendix A - Confidential Information