



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

55 Erskine Avenue - Zoning By-law Amendment Application - Request for Directions

Date: July 8, 2019

To: City Council

From: City Solicitor

Wards: Ward 15 - Don Valley West

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

The applicant appealed its Zoning By-law Amendment application to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (the "Tribunal"), on November 23, 2017 for City Council's failure to make a decision on the application prior to the lapsing of the statutory time period. Notwithstanding recent amendments to the Planning Act, the Tribunal will maintain jurisdiction over the appeal according to the rules of the former Ontario Municipal Board. Further direction from City Council is required on this matter which has been appealed to the Tribunal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1, paragraphs 1 through 5, inclusive.
2. If paragraphs 1 through 5, inclusive of the confidential recommendation(s) contained in Confidential Attachment 1 are adopted, City Council authorize the public release of the confidential recommendation(s) contained in Confidential Attachment 1, save and except for paragraph 6, along with Confidential Appendix "A" and Confidential Appendix "B", and that the balance of Confidential Attachment 1 remain confidential.

3. If paragraphs 1 through 5, inclusive of the confidential recommendation(s) contained in Confidential Attachment 1 are not adopted, but paragraph 6 is adopted, City Council authorize the public release of only the confidential recommendation at paragraph 6 of Confidential Attachment 1 and the balance of Confidential Attachment 1 and Confidential Appendix "A" and Confidential Appendix "B" remain confidential.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Recommendations to this Report.

DECISION HISTORY

A Preliminary Report from the Director, Community Planning, North York District, dated August 18, 2017 was considered by the North York Community Council on September 6, 2017. Community Council's decision in respect of that report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY24.7>

A Request for Directions Report from the Director, Community Planning, North York District, dated July 3, 2018 was considered by North York Community Council on July 4, 2018 and City Council on July 23, 2018. City Council's decision in respect of that report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.13>

COMMENTS

A prehearing conference of the appeal took place before the Tribunal on August 17, 2018. A second prehearing conference was convened by the Tribunal on February 28, 2019 by telephone conference call.

A hearing of the appeal has been scheduled to start on September 30, 2019. Further instructions are required from City Council prior to the starting of the hearing.

CONTACT

Mark Piel, Solicitor, Tel. No. 416-392-2124, Fax No. 416-397-5624. E-mail:
Mark.Piel@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Report from City Solicitor

Confidential Appendix "A" - Confidential Information

Confidential Appendix "B" - Confidential Information (on file with the City Clerk for the purpose of the July 16 and 17, 2019 City Council meeting)