



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Supplementary Report - Dundas Street West and Roncesvalles Avenue Built Form Study - Official Plan Amendment 421 and 421 Roncesvalles Avenue Zoning By-law Amendment Application - Request for Directions

Date: July 15, 2019

To: City Council

From: City Solicitor

Wards: Ward 4 - Parkdale-High Park

REASON FOR CONFIDENTIAL INFORMATION

This supplementary report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

Propeller Developments Inc., the owner of 421 Roncesvalles Avenue ("**Propeller**"), appealed Council's failure to enact a Zoning By-law Amendment (the "**Appeal**") to the Local Planning Appeal Tribunal (the "**LPAT**") and Propeller has consolidated its Appeal with Council's refusal to issue a demolition permit for the building on the Subject Property. The LPAT has scheduled a two-week hearing for these appeals commencing on January 13, 2020.

Propeller also appealed Official Plan Amendment 421 ("**OPA 421**"), the Dundas Street West and Roncesvalles Avenue Built Form Study Official Plan Amendment. The LPAT has not scheduled a hearing date for Propeller's appeal of OPA 421, and the parties have not at this time informed the LPAT that they are ready to proceed.

On May 8, 2019, Propeller's lawyer provided the City Solicitor with a "with prejudice" settlement offer, Public Attachment 1 and 2 to the City Solicitor's Report dated July 8, 2019.

The City Solicitor requires further instructions with respect to these appeals.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Supplementary Report (July 15, 2019) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, Confidential Appendix "A", and Confidential Appendix "B" to the Supplementary Report (July 15, 2019) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the Supplementary Report (July 15, 2019) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

The Decision History of the Applications and Appeals are detailed in the City Solicitor's report dated July 8, 2019 entitled "Dundas Street West and Roncesvalles Avenue Built Form Study - Official Plan Amendment 421 and 421 Roncesvalles Avenue Zoning By-law Amendment Application - Request for Directions".

The City Solicitor's Report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.13>

COMMENTS

The City Solicitor requires direction on a matter that has been appealed.

CONTACT

Laura Bisset, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8782; Fax: (416) 397-5624; Email: laura.bisset@toronto.ca

Kasia Czajkowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-5725; Fax: (416) 397-5624; Email: kasia.czajkowski@toronto.ca

Daniel Elmadany, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5709; Fax: (416) 397-5624; Email: daniel.elmadany@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 meeting of City Council