



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

6020 & 6030 Bathurst Street - Zoning By-law Amendment Application - Request for Directions

Date: July 15, 2019
To: City Council
From: City Solicitor
Wards: Ward 6 - York Centre

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City of Toronto.

The confidential 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 March 28, 2018 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:

1. City Council adopt confidential recommendations in Confidential Attachment 1.
2. If the confidential recommendations contained in Confidential Attachment 1 are adopted, City Council authorize the City Solicitor, in her sole discretion, to disclose the contents of Confidential Attachment 1, Confidential Appendix "C", and Confidential Appendix "D" but Confidential Appendix "A" and Confidential Appendix "B" shall remain confidential subject to the owner's consent to release those documents in whole or in part.

FINANCIAL IMPACT

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

DECISION HISTORY

A Request for Directions Report from the Director, Community Planning, North York District, dated June 28, 2018 was considered by North York Community Council on July 4, 2018 and by 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.NY32.8>

Through the adoption of recommendations in the Request for Directions Report, City staff were instructed to engage in discussions with the owner/applicant to address the issues outlined in the Request for Directions Report including appropriate Section 37 contributions to be determined in consultation with the local Councillor relating to any revised proposal.

Staff were also instructed to continue work on a Block Context study of the Bathurst – Fisherville area, including the subject lands, to develop a Block Context Plan to address built form, new pedestrian and vehicular connections, open space, park land, public realm improvements, community services and facilities and to identify potential Section 37 priorities.

COMMENTS

Two prehearing conferences were convened before the Tribunal. The first took place on January 17, 2019. Following the prehearing conference, the Tribunal convened a preliminary mediation assessment of the appeal in order to determine the parties' willingness to participate in mediation.

A decision of the Tribunal issued on January 31, 2019 found a procedural defect with the first prehearing conference and ordered a second prehearing conference to be convened.

Prior to the second prehearing conference, a teleconference call among the owner/applicant, and neighbouring landowners being the applicant/appellant for 6040 Bathurst Street & 5 Fisherville Road (Application 16 252547 NNY 10 OZ), Tribunal Case PL171014), and the applicant for 25 Fisherville Road (Application 18 189969 NNY 10 OZ) took place for the purpose of a further mediation assessment for possible global mediation to address the appeal of the Zoning By-law Amendment application for the subject site, the appeal of the Zoning By-law Amendment application for the lands known as 6040 Bathurst Street & 5 Fisherville Road, and matters related to the Block

Context study involving the Zoning By-law Amendment application for 25 Fisherville Road. At that time the parties consented to global mediation led by the Tribunal.

The second prehearing conference of the appeal of the Zoning By-law Amendment application for the subject site occurred on April 15, 2019.

Mediation sessions led by the Tribunal among the City, the appellant, and the owners of the neighbouring properties took place on May 1 and 2, and June 13, 2019.

A hearing of the appeal is scheduled to begin on February 18, 2020. The City Solicitor is seeking further instructions in advance of the hearing.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information
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)
Confidential Appendix "C" - Confidential Information
Confidential Appendix "D" - Confidential Information