



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 6040 Bathurst Street & 5 Fisherville Road - 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

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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

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The applicant appealed its Zoning By-law Amendment application to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (the "Tribunal"), on September 15, 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

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The City Solicitor recommends:

1. City Council adopt the 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

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

## DECISION HISTORY

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A Preliminary Report from the Director, Community Planning, North York District, dated January 24, 2017 was considered by the North York Community Council on February 22, 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.NY20.30>

A Request for Directions Report from the Director, Community Planning, North York District, dated March 15, 2018 was considered by the City Council on April 24, 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.NY29.3>

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 site organization, height, appropriate public benefits to be secured pursuant to Section 37 of the Planning Act and identifying required improvements to the existing rental housing, pursuant to Section 37 of the Planning Act.

In connection with these matters a Request for Directions Report from the Director, Community Planning, North York District, dated June 28, 2018, for the neighbouring lands municipally known as 6020 & 6030 Bathurst Street 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>

Pursuant to the adoption of that Report, City staff were 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**

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This appeal has been the subject of mediation led by the Local Planning Appeal Tribunal. A teleconference call among the City, the owner, and neighbouring landowners being the applicant/appellant for 6020 & 6030 Bathurst Street (Application 17 264641 NNY 10 OZ, Tribunal Case PL180386), and the applicant for 25 Fisherville Road (Application 18 189969 NNY 10 OZ), took place for the purpose of a 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 6020 & 6030 Bathurst Street, 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.

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.

Further instructions are required from City Council with respect to this matter.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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