



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

206 Russell Hill Road – Request for Directions

Date: September 25, 2019
To: City Council
From: City Solicitor
Wards: Ward 12 – Toronto-St. Paul's

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

Further direction from City Council is required on this matter as it relates to the Part IV Designation of the Property municipally known as 206 Russell Hill Road.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report (September 25, 2019) from the City Solicitor.
2. If adopted, City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to the Report (September 25, 2019) from the City Solicitor.
3. If adopted, City Council direct that the balance of Confidential Attachment 1 to the Report (September 25, 2019) from the City Solicitor remain confidential in its entirety, as it relates to litigation against the City and contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

The financial implications are set out in Confidential Attachment 1.

DECISION HISTORY

On February 14, 2019, Toronto and East York Community Council considered a preliminary report on the Zoning By-law Amendment for 206 Russell Hill Road which can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.68>

City Council's decision to state its intention to designate the property municipally known as 206 Russell Hill Road, on June 18, 2019 is found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC8.13>

Report for Action entitled "Inclusion on the Heritage Register and Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 206 Russell Hill Road is found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-134779.pdf>

COMMENTS

The property at 206 Russell Hill Road contains a 2½-storey house form building dating to 1910 that is known historically as the William S. Hodgens House. On May 18, 2018, the property owner's applications for a zoning by-law amendment and site plan approval were deemed complete. The applications are to replace the existing house with a low-rise four-unit townhouse development. An application to demolish the existing house in order to facilitate the development of this property was submitted in April 2019 (2019 141774 DEM 00 DM). The demolition permit has not been issued due to the absence of a permit for a replacement building as per the City's Residential Demolition Control By-law.

On June 18, 2019, City Council adopted recommendations and provided directions to state its intention to designate the property municipally known as 206 Russell Hill Road under section 29 of the *Ontario Heritage Act*.

On July 8, 2019, the owner of 206 Russell Hill Road commenced a court application pursuant to section 25 of the *Building Code Act, 1992*. The owner challenges the Chief Building Official's decision not to issue a demolition permit for the existing house at the property. The application is set to be heard in the Superior Court of Justice on January 27, 2020.

The owner of the property has also filed a formal objection to the City's notice of intention to designate and applied to demolish the existing house and detached garage at 206 Russell Hill Road pursuant to subsection 34(1) of the *Ontario Heritage Act*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Report from the City Solicitor
2. Confidential Appendix "A" to Confidential Attachment 1 – Confidential Information