



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1376-1386 Kingston Road – Zoning By-law Amendment Application – Request for Direction

Date: December 10, 2019
To: City Council
From: City Solicitor
Wards: 20 - Scarborough Southwest

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

Cornell & Kingston Development Corporation (the "Applicant") is the owner of the property municipally known as 1376 -1386 Kingston Road (the "Subject Property"). The Applicant applied for a zoning by-law amendment in order to facilitate a proposed 9-storey residential development of the Subject Property (the "Original Application").

On March 19, 2018, the applicant appealed the Original Application to the Local Planning Appeal Tribunal due to Council's failure to make a decision within the time prescribed by the Planning Act. The first Prehearing Conference for this matter was held on January 28, 2019. A second Prehearing Conference has been scheduled for January 15, 2020.

The purpose of this report is to request instructions for the upcoming Local Planning Appeal Tribunal Prehearing Conference on January 15, 2020.

City Planning staff have been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential recommendations in Confidential Attachment 1 are adopted by City Council, City Council authorize the public release of:
 - a. the confidential recommendations in Confidential Attachment 1, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege; and
 - b. Confidential Attachments 2 and 3.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On April 4, 2018, the Scarborough Community Council considered a preliminary report on a zoning-by-law amendment application for 1376-1386 Kingston Road. The report can be accessed at:

<https://www.toronto.ca/legdocs/mmis/2018/sc/bgrd/backgroundfile-113197.pdf>

On March 19, 2018, the applicant appealed the application to the Local Planning Appeal Tribunal due to Council's failure to make a decision within the time prescribed by the Planning Act.

On July 23, 2018, City Council authorized the City Solicitor and City Staff to continue negotiations with the Applicant and, in the event these negotiations failed, to attend the Local Planning Appeal Tribunal in opposition to the proposed development. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.SC32.16>

COMMENTS

This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1, Attachment 2, and Attachment 3 to this report contains confidential information.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information (on file with the City Clerk for the purpose of the December 17 and 18, 2019 City Council meeting.)