



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

25 Fisherville Road - Zoning By-law Amendment Application - Request for Directions

Date: December 11, 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 attachment to this report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On November 29, 2019 the City Clerk's office received a Notice of Appeal to the Local Planning Appeal Tribunal (the "Tribunal") in respect of IMH 25 Fisherville Ltd.'s (the "Owner") application to amend City of Toronto Zoning By-law 569-2013, as amended and the former City of North York By-law 7625, as amended, for the lands municipally known as 25 Fisherville Road. A copy of the Owner's Notice of Appeal is attached as Public Appendix A.

The grounds for the appeal are City Council's failure to make a decision on the application prior to the lapsing of the statutory time period under the *Planning Act*.

Direction from City Council is required on this matter which has been appealed to the Tribunal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1;

2. City Council authorize the public release of the confidential instructions to staff in Confidential Attachment 1; and
3. City Council direct that the remaining confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

A Preliminary Report from the Director, Community Planning, North York District, dated December 18, 2018 was considered by the North York Community Council on January 15, 2019. Community Council's decision in respect of that report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY2.8>

A Request for Interim Direction Report from the Director, Community Planning, North York District, dated February 12, 2019 was considered by the North York Community Council on February 14, 2019 and by City Council on February 26, 2019. City Council's decision in respect of that report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY3.3>

A Final Report from the Director, Community Planning, North York District, dated September 12, 2019, recommended the approval of the subject application. The Final Report was considered by the North York Community Council on September 16, 2019 and by City Council on October 2, 2019. City Council's decision to adopt the recommendations of the Director, Community Planning, North York District can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY8.1>

The subject lands and the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, 6020 & 6030 Bathurst Street, 6010 Bathurst Street, and 12 Rockford Road have been the subject of staff study for the purpose of developing a block context plan. City Council's direction to conduct the block context plan study can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.8>

COMMENTS

The Tribunal has not issued notice of a case management conference for the Owner's appeal as of the date of this Report. The Owner's Notice of Appeal has requested the Tribunal schedule a case management conference for January 6, 2020.

The Tribunal has scheduled a case management conference on the same day in respect of a separate appeal filed by Fisherville and Bathurst Limited in respect of its application to amend City of Toronto By-law 569-2013, as amended, and former City of North York By-law 7625, as amended, for the neighbouring lands municipally known as 6040 Bathurst Street & 5 Fisherville Road (the "Neighbour's Appeal") (LPAT Case No. PL171014)

Direction from City Council is required prior to January 6, 2020 in the event the Owner is resented at the next LPAT case management conference for the Neighbour's Appeal and requests status to those proceedings.

This City Solicitor's Report is to be read together with the City Solicitor's Reports in respect of 6040 Bathurst Street & 5 Fisherville Road, and 6020 & 6030 Bathurst Street both of which are dated December 11, 2019.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Report from City Solicitor

Public Appendix A - Notice of Appeal to the Local Planning Appeal Tribunal filed on behalf of IMH 25 Fisherville Ltd. by Goodmans LLP, November 27, 2019 and received by the City Clerk's office November 29, 2019.