

1001 to 1037 The Queensway - Request for Direction regarding Local Planning Appeals Tribunal Appeal

Date: February 25, 2019

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke-Lakeshore

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

The purpose of this report is to seek instruction for an appeal to the Local Planning Appeals Tribunal (LPAT) of the above-noted matter. A seven day hearing is scheduled to commence on April 15, 2019.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. The recommendations contained in Confidential Attachment 1 to this report and Appendices A and B be made public at such time as City Council adopts the recommendations. All other information contained in Confidential Attachment 1 is to remain confidential.

FINANCIAL IMPACT

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

DECISION HISTORY

The owner of the property at 1001 to 1037 The Queensway (the "Site") has appealed its Zoning By-law Amendment application to the LPAT due to Council's failure to make a decision within the time allotted by the *Planning Act*. On September 27, 2018, a Prehearing Conference was held, and on January 9, 2019, the parties to the hearing participated in a one day mediation into the matter. A seven day LPAT hearing is scheduled to commence on April 15, 2019; the City is required to deliver Witness Statements from all of its expert witnesses on March 15, 2019.

The Zoning By-law Amendment application proposes to construct four buildings (three 12 storey buildings and one 20 storey tower), featuring a mix of residential, commercial/retail uses.

On July 23, 2018, City Council adopted a Request for Directions Report from City Planning which recommended that the application be opposed at the LPAT with respect to concerns with the proposed building heights, massing, site organization of buildings and the undersized public park.

For a more detailed Decision History, see the June 22, 2018 Request for Directions report from the Director, Community Planning, Etobicoke York District, at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY32.18>

ISSUE BACKGROUND

Further information has been received which has resulted in the need for additional direction from City Council.

COMMENTS

This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. The attachments to this report contain confidential information and should be considered by City Council in camera.

CONTACT

Robert Robinson, Solicitor, Planning & Administrative Law, Tel: (416) 392-8367, Fax: (416) 397-5624, Email: Robert.Robinson@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1
2. Appendix "A" - Confidential Information
3. Appendix "B" - Confidential Information (on file with the City Clerk for the purpose of the February 26, 2019 City Council Meeting).