

City Council**Motion without Notice**

MM3.15	ACTION			Ward: 18
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245-255 Sheppard Avenue West and 250-258 Bogert Avenue - Appeal of Local Planning Appeal Tribunal Decision - by Councillor John Filion, seconded by Councillor Gord Perks

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Confidential Attachment - Litigation or potential litigation that affects the City or one of its agencies or corporations and advice or communications that are subject to solicitor-client privilege.

Recommendations

Councillor John Filion, seconded by Councillor Gord Perks, recommends that:

1. City Council adopt the following recommendations in the report (February 26, 2019) from the City Solicitor:
 1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report (February 26, 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 (February 26, 2019) from the City Solicitor.
 3. If adopted, City Council direct that the balance of Confidential Attachment 1 to the Report (February 26, 2019) from the City Solicitor remain confidential as it contains advice which is subject to solicitor-client privilege.

Summary

1642989 Ontario Inc., 2025243 Ontario Inc., JFJ Developments Inc., (the “Applicant”) applied to amend the City of Toronto’s Official Plan and Zoning By-law to permit the development of a mixed-used building with an eleven-storey mixed-use portion fronting onto Sheppard Avenue West and an attached three-storey townhouse form fronting onto Bogert Avenue on the lands known as 245-255 Sheppard Avenue West and 250-258 Bogert Avenue (the “Site”).

City staff wrote a report to North York Community Council, from the Chief Planner and

Executive Director, City Planning, dated January 4, 2017 recommending refusal of the applications. On January 31, 2017 City Council refused the Zoning By-law Amendment and Official Plan Amendment applications for the subject site.

The Applicant subsequently appealed City Council's refusal to the Local Planning Appeal Tribunal (the "LPAT"). A hearing was commenced on August 21, 2018 and subsequently concluded shortly thereafter.

On February 13, 2019, the Local Planning Appeal Tribunal issued a decision approving the Zoning By-law Amendment and Official Plan Amendment Applications made pursuant to section 22(7) and 34(11) of the Planning Act.

The City Solicitor requires direction on a potential appeal and/or review of the Local Planning Appeal Tribunal's Decision. This Motion is urgent due to statutory deadlines for bringing a potential appeal and/or review of the Local Planning Appeal Tribunal's Decision.

Background Information (City Council)

Member Motion MM3.15

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-130181.pdf>

(February 26, 2019) Report from the City Solicitor on 245-255 Sheppard Avenue West and 250-258 Bogert Avenue - Appeal of Local Planning Appeal Tribunal Decision

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-130182.pdf>

Confidential Attachment 1