

**245-255 Sheppard Avenue West and 250-258 Bogert
Avenue – Appeal of LPAT Decision**

Date: February 26, 2019
To: City Council
From: City Solicitor
Wards: Ward 18 – Willowdale

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

On February 13, 2019, the Local Planning Appeal Tribunal (the “LPAT”) 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 *Local Planning Appeal Tribunal Act* allows the parties to a hearing to seek a review of a decision of the LPAT. The *Local Planning Appeal Tribunal Act* also allows the parties to a hearing to seek leave to appeal a decision of the LPAT to the Divisional Court. The information in the Confidential Attachment to this report discusses the LPAT decision and seeks Council’s direction regarding a potential appeal and/or review.

RECOMMENDATIONS

The City Solicitor recommends that:

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.

FINANCIAL IMPACT

The financial implications are set out in Confidential Attachment 1.

DECISION HISTORY

A Refusal Report from the Director, Community Planning, North York District, dated January 4, 2017 was adopted by City Council on January 31, 2017. City Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY19.36>

COMMENTS

On August 21, 2018 to August 31, 2018, the LPAT heard the Applicant's appeals of the Official Plan Amendment and Zoning By-law Amendment. On February 13, 2019, the LPAT granted the Applicant's appeals.

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Report from the City Solicitor

Report for action with confidential attachment - 245-255 Sheppard Avenue West and 250-258 Bogert Avenue