



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **2706 Bayview Avenue - Request for Directions Regarding LPAT Hearing**

Date: June 18, 2020

To: City Council

From: City Solicitor

Wards: Ward 15 - Don Valley West

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation that affects the City or one of its agencies or corporations.

#### **SUMMARY**

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The purpose of this report is to seek instructions respecting the appeal of the Zoning By-law Amendment application for 2706 Bayview Avenue, currently before the Local Planning Appeal Tribunal (the "LPAT").

On December 21, 2016, the City of Toronto (the "City") received a Zoning By-law Amendment Application to permit the re-location of an existing single family detached dwelling and development of three, three-storey townhouse units on Bayview Avenue (the "Application"). The applicant also submitted an accompanying Site Plan application.

On November 28, 2017, the applicant appealed the Application to the LPAT, citing City Council's failure to make a decision on the Application within the time prescribed by the Planning Act. The Site Plan application has not been appealed to date.

Three pre-hearing conferences have since taken place before the LPAT.

City Planning has been involved in the preparation of this report.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of:
  - a. the recommendations contained in Confidential Attachment 1; and
  - b. Appendices "A", "B" and "C" to Confidential Attachment 1.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On February 22, 2017, North York Community Council considered a Preliminary Report from the Director, Community Planning, North York District. The Preliminary Report can be accessed via the following link:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-101250.pdf>

North York Community Council directed staff to schedule a community consultation meeting, distribute notice for the community consultation meeting to landowners and residents within 120 metres of the site as well as to an extended area, and to give notice for the public meeting in accordance with the Planning Act. The decision document can be accessed via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY20.34>

On October 10, 2019, North York Community Council considered a Request for Direction Report from the Director, Community Planning, North York District. The Request for Direction Report can be accessed via the following link:

<http://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-138606.pdf>

North York Community Council adopted the recommendations contained in the Request for Direction Report, with amendments. North York Community Council adopted an additional recommendation directing City staff to consider a revised plan consisting of five townhouse units fronting on Bayview Avenue (the "Alternative Development Concept"). City Planning's comments on the Alternative Development Concept are discussed in the Comments section of the November 19, 2019 Request for Directions Report from the City Solicitor. The Request for Directions Report can be accessed via the following link:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-141005.pdf>

On October 29 and 30, 2019, City Council adopted the recommendations, as amended by North York Community Council. The decisions of City Council and North York Community Council can be accessed via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY9.4>

On November 26 and 27, 2019, City Council deferred consideration of the Request for Directions report from the City Solicitor dated November 19, 2019 regarding 2706 Bayview Avenue to the December 17 and 18, 2019 meeting of City Council. The decision of City Council can be accessed via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC12.10>

On December 17 and 19, 2019, City Council deferred consideration of a Request for Directions report from the City Solicitor dated November 19, 2019 regarding 2706 Bayview Avenue to the January 29 and 30, 2020 meeting of City Council. The decision of City Council can be accessed via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC13.1>

On January 29 and 30, 2020, City Council deferred consideration of a Request for Directions report from the City Solicitor dated November 19, 2019 regarding 2706 Bayview Avenue to the April 1 and 2, 2020 meeting of City Council. The decision of City Council can be accessed via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC14.1>

The April 1 and 2, 2020 meeting of City Council was cancelled as part of the City of Toronto's Covid-19 response.

## **COMMENTS**

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

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" to Confidential Attachment 1 - Confidential Information

Confidential Appendix "B" to Confidential Attachment 1 - Confidential Information

Confidential Appendix "C" to Confidential Attachment 1 - Confidential Information