



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **2901 Bayview Avenue and 630 Sheppard Avenue East – Official Plan Amendment and Zoning Amendment – Request for Directions Report**

**Date:** July 21, 2020

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 17- Don Valley North

#### **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.

#### **SUMMARY**

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The Official Plan and Zoning By-law amendment applications for the subject site have been appealed to the Local Planning Appeal Tribunal (LPAT) on the basis that the City failed to make a decision within the prescribed time period set out in the Planning Act.

On November 16, 2018, the applicant submitted a revised proposal. A Request for Directions report dated May 13, 2019 was adopted by North York Community Council and City Council on June 18, 2019 which directed the City Solicitor and staff to continue to oppose the applications at the LPAT.

The purpose of this report is to request further instructions for the 15-day LPAT hearing that is scheduled to commence September 21, 2020.

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 the report from the City Solicitor.

2. City Council direct that all information contained in Confidential Attachment 1 to the report from the City Solicitor, including the recommendations in Confidential Attachment 1, is to remain confidential at the discretion of the City Solicitor.

## **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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A Preliminary Report on the application was adopted by North York Community Council on October 17, 2017, authorizing staff to conduct a community consultation meeting. North York Community Council's decision can be found at this web link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY25.7>

The applicant filed an appeal to the LPAT under Case No. PL180148, on the basis that the City failed to make a decision within the prescribed time period set out in the Planning Act.

On November 16, 2018, the applicant submitted a revised proposal. On June 18, 2019, City Council in Item NY6.8 approved a Request for Directions Report submitted by Community Planning, North York District directing the City Solicitor and appropriate City Staff to attend the LPAT to oppose the revised application. City Council's decision can be found at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY6.8>

Three pre-hearing conferences have been held with the LPAT to date on October 17, 2018, April 24, 2019, and August 15, 2019.

A 15-day LPAT hearing is scheduled to commence September 21, 2020.

## **COMMENTS**

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The City Solicitor requires further instructions. This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

## **CONTACT**

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Report for Action with Confidential Attachment on 2901 Bayview Avenue & 630 Sheppard Avenue East - Request for Directions

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Public Attachment 1 - Cover Letter, prepared by McCarthy Tetreault LLP, dated April 24, 2020

Public Attachment 2 - Resubmitted Plans and Drawings, April 24, 2020