



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **Village of Yorkville - City-Initiated Zoning Amendment for Front Yard Setbacks - Properties Municipally known as 98-164 Cumberland Street, 153-159 Cumberland Street, 70-140 Yorkville Avenue, 63-137 Yorkville Avenue, 25-29 Bellair Street, and 18-26 Bellair Street – Request for Directions Report**

**Date:** September 18, 2020

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11- University - Rosedale

#### **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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City of Toronto By-laws 119-2018 and 120-2018 were adopted by City Council on February 1, 2018 (the "Zoning By-laws"). The Zoning By-laws amended City of Toronto By-law 569-2013, as amended and former City of Toronto By-law 438-86, as amended, to require a minimum front yard setback for properties within the Village of Yorkville (being 98-164 Cumberland Street, 153-159 Cumberland Street, 70-140 Yorkville Avenue, 63-137 Yorkville Avenue, 25-29 Bellair Street, and 18-26 Bellair Street). The minimum front yard setback for these properties under the Zoning By-laws is 3 metres or, for properties with existing front yard setbacks greater than 3 metres, the average of the existing setback of the front wall containing the principal pedestrian entrance located farthest from the front lot line and 3 metres.

The Zoning By-laws were appealed by seven parties to the former Ontario Municipal Board in early 2018. A 5-day hearing by the Local Planning Appeal Tribunal (LPAT) scheduled to commence on August 31, 2020 was adjourned by the LPAT.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the City Solicitor's Report.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to the City Solicitor's Report at the discretion of the City Solicitor if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the City Solicitor's Report is to remain confidential, as it contains advice and information which is subject to solicitor-client privilege.
4. City Council authorise the public release of Confidential Attachment 2 to the City Solicitor's Report at the discretion of the City Solicitor in the event City Council adopts the recommendations contained in Confidential Attachment 1 to the City Solicitor's Report.

## **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 April 4, 2017, Toronto and East York Community Council adopted the recommendations of a Preliminary Report (March 3, 2017) from the Director, Community Planning, Toronto East York District in respect of the Zoning By-laws. Toronto and East York Community Council's decisions can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE23.63>

On November 7, 2017, City Council adopted the recommendations of Toronto and East York Community Council in respect of a Final Report (September 29, 2017) from the Director, Community Planning, Toronto East York District in respect of the Zoning By-laws. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.7>

City Council subsequently passed the Zoning By-laws on February 1, 2018.

## **COMMENTS**

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The City Solicitor requires further instructions. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege.

## **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 Information

Confidential Attachment 2 - Confidential Information