



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### Request for Direction Report - Zoning By-law Amendment Application - 16 Kirtling Place

**Date:** December 8, 2020

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 15 - Don Valley West

#### REASON FOR CONFIDENTIAL INFORMATION

---

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations and contains advice subject to solicitor client privilege.

#### SUMMARY

---

On November 1, 2019, an application to amend the Zoning By-law was submitted to the City of Toronto for 16 Kirtling Place (the "Site"), which proposes to amend City of Toronto Zoning By-law 569-2013 and North York Zoning By-law 7625 to permit one block of townhouses having seven units, fronting York Mills Road (the "Zoning By-law Amendment Application").

On March 3, 2020, the applicant appealed the Zoning By-law Amendment Application to the Local Planning Appeal Tribunal (the "LPAT"). The appeal was made without revisions to the original proposal and citing City Council's failure to make a decision on the application within the timeframe prescribed by the Planning Act. A case management conference has not yet been scheduled.

Further information has been provided by the applicant that requires consideration by City Council. This report should be considered in tandem with the earlier report from City Planning.

#### RECOMMENDATIONS

---

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the confidential recommendations in Confidential Attachment 1 are adopted, City Council authorize the public release of:

- a. the recommendations contained in Confidential Attachment 1, with the remainder of Confidential Attachment 1 to remain confidential, as it contains advice subject to solicitor-client privilege; and
- b. Confidential Attachment 2.

## **FINANCIAL IMPACT**

---

There is no financial impact arising from the above recommendations.

## **DECISION HISTORY**

---

At the December 3, 2020 meeting of North York Community Council, Item NY20.4 was considered. The staff recommendations to Council was to attend any LPAT proceeding in opposition to the zoning by-law amendment in its current form, but to continue working with the applicant to attempt to resolve the issues outlined in that report. That recommendation was endorsed by Community Council and forwarded to the December 16, 2020 meeting of City Council as a whole. That item can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY20.4>

## **COMMENTS**

---

This report requests direction from City Council in relation to the ongoing LPAT appeal respecting 16 Kirtling Place.

## **CONTACT**

---

Matthew Longo, Solicitor, Planning & Administrative Tribunal Law, Tel. 416-392-8109,  
E-Mail: [matthew.longo@toronto.ca](mailto:matthew.longo@toronto.ca)

Jason Davidson, Solicitor, Planning & Administrative Tribunal Law, Tel. 416-392-4835,  
E-Mail: [jason.davidson@toronto.ca](mailto:jason.davidson@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice  
Subject to Solicitor-Client Privilege

Confidential Attachment 2 - Confidential Information