



REPORT FOR INFORMATION

WITH CONFIDENTIAL ATTACHMENT

206 Russell Hill Road - Repeal of Heritage Designation By-law

Date: March 2, 2021

To: City Council

From: City Solicitor

Wards: Ward 12 - Toronto - St. Paul's

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

The property at 206 Russell Hill Road contains a 2½-storey house form building dating to 1910 that is known historically as the William S. Hodgens House. On May 18, 2018, the property owner's applications for a zoning by-law amendment and site plan approval were deemed complete. The applications are to replace the existing house with a low-rise four-unit townhouse development. An application to demolish the existing house in order to facilitate the development of this property was submitted in April 2019 (2019 141774 DEM 00 DM). The demolition permit was not issued due to the absence of a permit for a replacement building as per the City's Residential Demolition Control By-law.

On June 18, 2019, City Council adopted recommendations and provided directions to state its intention to designate the property municipally known as 206 Russell Hill Road under section 29 of the Ontario Heritage Act (the "Act").

The owner of the property filed a formal objection to the City's Notice of Intention to Designate and applied to demolish the existing house and detached garage at the property pursuant to s. 34(1) of the Act. The notice of objection was subsequently withdrawn at the Conservation Review Board.

On April 30, 2020, the City enacted and passed By-Law 335-2020, being a by-law to designate the property at 206 Russell Hill Road as being of cultural heritage or value pursuant to section 29 of Part IV of the Act.

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On October 30, 2020, the City enacted and passed By-Law 930-2020, being a by-law to amend By-Law 335-2020 to correct the legal description.

This Report for Information relates to the repeal of By-Law No. 335-2020, being a by-law designating the property municipally known as 206 Russell Hill Road as being of cultural value or interest pursuant to the Ontario Heritage Act.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council direct that all information contained in Confidential Attachment 1 to the report (March 2, 2021) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

On February 14, 2019, Toronto and East York Community Council considered a preliminary report on the Zoning By-law Amendment for 206 Russell Hill Road which can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.68>

Report for Action entitled "Inclusion on the Heritage Register and Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 206 Russell Hill Road is found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-134779.pdf>

City Council's decision to state its intention to designate the property municipally known as 206 Russell Hill Road, on June 18, 2019 is found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC8.13>

City Council's decision to adopt Item CC10.7 and the Report for Action entitled "206 Russell Hill Road - Request for Directions", on October 2, 2019 is found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC10.7>

City Council's decision to adopt Item MM11.10 and the Notice of Motion entitled "206 Russell Hill Road - Demolition of a Property Subject to Intention to Designate Under Part IV, Section 29 of the Ontario Heritage Act, by Councillor Josh Matlow, seconded by Councillor Mike Colle", on October 29, 2019 is found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM11.10>

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City Council's decision to state its intention to amend By-law 335-2020 dated April 30, 2020, to correct the legal description, on July 28, 2020 is found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE16.13>

COMMENTS

This report is about litigation against the City 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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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information