

221-245 Wilmington Avenue - Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control Applications - Request for Directions Report

Date: March 29, 2021
To: City Council
From: City Solicitor
Wards: Ward 6 - York Centre

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

On May 20, 2017, the owner (Kilbarry Holding Corporation) appealed its Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control applications to what was then the Ontario Municipal Board (now the Local Planning Appeal Tribunal) ("LPAT"). The appeals were made on the grounds of Council's failure to make decisions on the applications within the timeframes prescribed by the Planning Act.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to the report (March 29, 2021) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to the report (March 29, 2021) from the City Solicitor if the confidential recommendations in Confidential Attachment 1 are adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to the report (March 29, 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.

4. City Council authorize the public release of the confidential information and documents in Confidential Attachments 2 through 4, inclusive, to the report (March 29, 2021) from the City Solicitor if the confidential recommendations in Confidential Attachment 1 are adopted by City Council.

FINANCIAL IMPACT

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

DECISION HISTORY

Official Plan amendment, Zoning By-law amendment and Site Plan Control applications were filed by the owner during the first quarter of 2006. On May 9, 2006, North York Community Council considered a Preliminary Report (April 20, 2006) from the Director, Community Planning, North York District that described the applications as being for 150 stacked townhouse units at a density of 1.35 times the lot area and would be registered as a condominium development, severing them from the balance of the lands. The stacked townhouses were four-storeys in height and resident and visitor parking would be located underground. The remaining portion of the commercial plaza would be renovated, including the construction of a second storey addition where a second storey did not exist. The parking area for the plaza would be redesigned with the inclusion of new landscaping features. A new drive-through facility, originally proposed by site plan control application filed by the owner in 2002, was consolidated with the Official Plan amendment and Zoning By-law amendment applications and was proposed to be located around the existing freestanding restaurant that was at the southwest corner of the lands. Community Council's decision on the Preliminary Report (April 20, 2006) can be found here:

<https://www.toronto.ca/legdocs/2006/agendas/committees/ny/ny060509/nydd.pdf>

On or around March 10, 2011, the applicant revised the proposal and filed an application for approval of a Draft Plan of Subdivision to permit two 6-storey mixed-use residential buildings, 44 townhouse units totalling 394 units and a private parkette within 4 new blocks. The application also proposed a new public street and a public walkway on the site.

On May 25, 2011, North York Community Council directed Community Planning staff to undertake further community consultation given there had not been a community consultation meeting with the current Councillor. Community Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY7.21>

COMMENTS

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

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information
4. Confidential Attachment 4 - Confidential Information