



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

40-44 Broadway Avenue - Zoning By-law Amendment Application - Supplementary Request for Directions Report

Date: April 6, 2021

To: City Council

From: City Solicitor

Wards: Ward 15 - Don Valley West

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 8, 2020, the applicant (Collecdev Inc.) appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT). The appeal was made without revisions to the original proposal and citing Council's failure to make a decision on the application within the timeframe prescribed by the Planning Act.

On January 4, 2021, the applicant submitted drawings in support of a further revised proposal on a with prejudice basis. Those drawings were further revised and resubmitted on or around February 12, 2021 on a with prejudice basis as a part of a formal submission to the City (the "Resubmission"). The purpose of this report is to request further instructions in respect of this matter prior to the Local Planning Appeal Tribunal ("LPAT") hearing that is scheduled to commence on May 31, 2021.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council direct that all information contained in Confidential Attachment 1 of the report (April 6, 2021) from the City Solicitor remain confidential.

FINANCIAL IMPACT

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

DECISION HISTORY

During its meeting of October 27, 28, and 30, 2020, City Council adopted, without amendment, the recommendations of the Request for Directions Report (September 16, 2020) from the Acting Director, Community Planning, North York District directing the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal (LPAT) to oppose the Zoning By-law Amendment application for 40 and 44 Broadway Avenue in its current form:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY18.5>

At its meeting on March 10, 2021, City Council adopted, without amendment, the recommendations of the Request for Directions Report (March 3, 2021) from the City Solicitor, to attend the Local Planning Appeal Tribunal (LPAT) to oppose the Zoning By-law Amendment application for 40 and 44 Broadway Avenue in respect of the Resubmission. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC30.11>

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. Confidential Attachment 1 to this report contains confidential advice and it should be considered by Council *in camera*.

This is a supplementary report to the report submitted by the City Solicitor under item number CC31.9 at the April 7 and 8, 2021 City Council meeting.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information