

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

**Date:** April 27, 2021

**To:** City Council

**From:** City Solicitor

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

### **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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On May 8, 2020, the applicant (Collecdev Inc.) appealed its Zoning By-law Amendment application (Application No. 19 194902 NNY 15 OZ) 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 LPAT hearing that is scheduled to commence on May 31, 2021.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (April 27, 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 (April 27, 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 (April 27, 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 (April 27, 2021) from the City Solicitor if the confidential recommendations in Confidential Attachment 1 are adopted by City Council.

## **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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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 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 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>

At its meeting on April 7, 2021, City Council received as information a Report (March 29, 2021) and Supplementary Report (April 6, 2021) from the City Solicitor. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC31.9>

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

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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