



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

41 Chatsworth Drive - Request for Direction Regarding LPAT Hearing

Date: April 28, 2021

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton-Lawrence

REASON FOR CONFIDENTIAL INFORMATION

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

The purpose of this report is to request further instructions for a matter that has been appealed to the Local Planning Appeal Tribunal.

SUMMARY

On December 20, 2017, the City received an application to amend the Official Plan and Zoning By-law for 41 Chatsworth Drive (the "**Current Application**"). The Current Application proposed a 4 storey residential condominium building containing 43 units and 8,667 square metres of gross floor area resulting in an overall site density of 1.96 times the site area. The proposed building would be 4-storeys facing Chatsworth Drive and 5-storeys facing Duplex Parkette.

The Current Application was deemed complete on January 18, 2018.

The applicant appealed City Council's neglect or failure to make a decision on its application for Official Plan and Zoning By-law Amendments (the "**Appeals**") to the Local Planning Appeal Tribunal (the "**LPAT**") on October 21, 2019.

The purpose of this report is to request further instructions for a matter that has been appealed to the LPAT. A hearing of the appeal is scheduled to take place in May 2021.

This report has been prepared in consultation with City Planning staff and other relevant divisions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this Report (April 28, 2021) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 and Confidential Appendix "A" to this Report (April 28, 2021) from the City Solicitor at the discretion of the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this Report (April 28, 2021) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information that 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

Current Application

On February 21, 2018, North York Community Council considered a Preliminary Report from City Planning. The decision of North York Community Council can be accessed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY28.7>

On December 16, 17 and 18, 2020, City Council adopted a Request for Direction Report directing the City Solicitor and appropriate City staff to attend the LPAT to oppose the Official Plan and zoning by-law amendment applications and to continue discussions with the applicant in an attempt to resolve the outstanding issues in the Request for Directions Report. The decision of City Council can be accessed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY20.3>

Previous Application

On December 27, 2013, an application was submitted that proposed amendments to the Official Plan and zoning by-law for a 6/7 storey, 114-unit, residential condominium building with 120 car parking spaces on 3 levels of a below-grade structure on the site. The proposed building would have had a height of 22.0 metres along Chatsworth Drive (exclusive of the mechanical component) and a density of 2.5 times the lot area.

On May 13, 2014, North York Community Council adopted a Preliminary Report on the Official Plan and Zoning By-law Amendment applications. The Preliminary Report is

available at: <https://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-68784.pdf>

The applicant appealed the Official Plan Amendment and Zoning By-law Amendment applications to the former Ontario Municipal Board ("**OMB**") citing City Council's neglect or failure to make a decision on the applications. The applicant also appealed the associated Site Plan Control Application to the OMB.

On April 14, 2016, following a hearing of the appeal, the OMB issued a decision refusing the appeal and refusing the proposed Official Plan Amendment and Zoning By-law Amendments. A copy of the OMB decision can be accessed here: <https://www.omb.gov.on.ca/e-decisions/pl141282-Apr-14-2016.pdf>

COMMENTS

This report is about ongoing litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by City Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information

Confidential Appendix "A" to Confidential Attachment 1 - Confidential Information