

2400-2444 Yonge Street - Official Plan Amendment and Zoning By-law Amendment Applications - Request for Directions Report

Date: July 6, 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.

SUMMARY

During the fourth quarter of 2017, the applicant (originally Roselawn & Main Urban Properties, now FCAM LP) appealed its Official Plan Amendment and Zoning By-law Amendment applications to what was then the Local Planning Appeal Tribunal, now the Ontario Land Tribunal (OLT). Three appeals were filed in total: one was made on November 27, 2017 citing Council's failure to make a decision on the zoning by-law amendment application within the timeframe prescribed by the *Planning Act*; one was made on December 7, 2019 citing City Council's refusal to approve the Official Plan Amendment application; and one was made on December 29, 2017 citing City Council's refusal to approve the same zoning by-law amendment application.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (July 6, 2021) from the City Solicitor;
2. City Council authorize the public release of the recommendations in Confidential Attachment 1 and the information in Confidential Appendices A, B, C, D, and E in the event City Council adopts the recommendations in Confidential Attachment 1; and

3. City Council direct the balance of Confidential Attachment 1 and Confidential Appendix F remain confidential as these documents contain 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

During its meeting of December 5, 6, 7, and 8, 2017, City Council adopted the recommendations of the Director, Community Planning, North York District (November 8, 2017) that the applications be refused. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY26.6>

COMMENTS

The City Solicitor requires further instructions. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 and appendices to this report contains confidential advice and they should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information

Confidential Appendix A - Confidential Information

Confidential Appendix B - Confidential Information

Confidential Appendix C - Confidential Information

Confidential Appendix D - Confidential Information

Confidential Appendix E - Confidential Information

Confidential Appendix F - Confidential Information