

2, 4 and 6 Teagarden Court - Official Plan and Zoning By-law Amendment Application – Request for Direction

Date: September 21, 2021

To: City Council

From: City Solicitor

Wards: Willowdale

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

Phantom Developments Inc. (the "Applicant") is the owner of the property municipally known as 2, 4 and 6 Teagarden Court (the "Subject Site"). The Applicant applied for an Official Plan and zoning by-law amendment application (the "Applications") in order to facilitate a fourteen storey residential building on the Subject Site.

On June 8, 2021, City Council adopted the recommendations of Community Planning staff to refuse the Applications. The Applicant appealed City Council's decision to the Ontario Land Tribunal (the "OLT"). The appeal was assigned Case No. PL210092. A 4-day hearing of the appeal is scheduled to commence on October 19, 2021.

City Planning staff have been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential recommendations in Confidential Attachment 1 are adopted by City Council, City Council authorize the public release of:
 - a. the confidential recommendations in Confidential Attachment 1, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege; and
 - b. Confidential Attachment 2.

FINANCIAL IMPACT

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

DECISION HISTORY

The site was the subject of an application to amend the Official Plan and zoning by-law (File 11 328717 NNY 23 OZ) to permit a fourteen storey residential building. The application was appealed to the Ontario Municipal Board (Case PL170176), now the Ontario Land Tribunal, due to Council's lack of a decision within the timeframe prescribed in the Planning Act. The Applicant subsequently amended the application and submitted a settlement offer for an 11-storey residential building.

City staff wrote a Request for Directions Report on the revised proposal which was considered by City Council at its meeting of November 7, 2017. Following the finalization of the staff report, the Applicant made a further revision to their settlement offer which amended the amount of Section 37 funds being offered and was accepted by City Council. Council's decision may be found on the City's website:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC34.11>

The Ontario Municipal Board considered the amended application and approved it on February 9, 2018. The decision may be found here:
<http://www.omb.gov.on.ca/edecisions/pl170176-Feb-09-2018.pdf>. A Final Order was issued on August 17, 2018.

On September 11, 2020 the Applicant submitted new applications to permit a 14-storey residential building. City Staff wrote a Request for Directions Report dated April 21, 2021 recommending that City Council refuse the Applications. In its decision dated June 8, 2021, City Council adopted City staff's recommendations. City Council's decision and the refusal report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY24.8>

The Applicant appealed City Council's Decision to the OLT. A 4-day hearing of the appeal is schedule to commence on October 19, 2021.

COMMENTS

This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 and Attachment 2 to this report contain confidential information.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential information