

## **2 Valleyanna Drive - Zoning By-law Amendment Application - Request for Directions Report**

**Date:** December 7, 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 litigation.

### **SUMMARY**

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The purpose of this report is to request further instructions for the Ontario Land Tribunal ("Tribunal") proceeding that is currently scheduled for a case management conference on December 17, 2021. The applicant has appealed the proposed zoning by-law amendment application for 2 Valleyanna Drive due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

On July 14 and 15, 2021, City Council directed the City Solicitor, along with appropriate staff, to oppose the appeal.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the City Solicitor report dated December 7, 2021.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 of the report and Confidential Appendix A, 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 the report remain confidential at the discretion of the City Solicitor, as it contains advice and information which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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The financial implications are set out in Confidential Attachment 1.

## **DECISION HISTORY**

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A Preliminary Report on the zoning by-law amendment application was considered by North York Community Council on September 10, 2020, directing staff to conduct a community consultation meeting. The link to the preliminary report can be found here: <http://www.toronto.ca/legdocs/mmis/2020/ny/bgrd/backgroundfile-155976.pdf>

A Request for Directions Report, dated May 31, 2021, from the Acting Director, Community Planning, North York District, was considered by City Council at its meeting of July 14, 15, and 16, 2021. City Council directed the City Solicitor and Planning staff to oppose the zoning by-law amendment application. The report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2021/ny/bgrd/backgroundfile-167748.pdf>

The Tribunal has held one case management conference in this proceeding, held on August 10, 2021. A further case management conference is scheduled for December 17, 2021.

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about litigation before the Ontario Land Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by City Council **in camera**.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Information

Confidential Appendix A to Confidential Attachment 1 – Confidential Information