



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

966 Don Mills Road – City-Initiated Official Plan and Zoning By-law Amendment Application - Supplementary Report for Action with Confidential Attachment

Date: September 1, 2021
To: North York Community Council
From: City Solicitor
Wards: Ward 16- Don Valley East

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

At its meeting of September 13, 2021, North York Community Council will be considering a report from the Chief Planner regarding a Rezoning and Official Plan Amendment for 966 Don Mills Road. These lands have been the subject of proceedings at the Ontario Lands Tribunal (OLT) and the Superior Court of Ontario. Accordingly, the City Solicitor has confidential information to supplement the recommendations in the report from the Chief Planner.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council direct that Confidential Attachment 1 to this report remain confidential in its entirety as it contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation.

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 Decision History of this matter is set out in detail in the August 23, 2021 report from the Acting Director of Community Planning, North York.

ISSUE BACKGROUND

On July 12, 2019 the Don Mills Resident's Inc. ("DMRI") filed a Notice of Application at the Ontario Superior Court of Justice seeking orders which, among other things, would have required the City to construct a community recreation centre at 966 Don Mills Road and to use the money to be paid by Cadillac Fairview pursuant to its s. 37 agreement at that site, and not at another location. The decision of the Superior Court in this matter was released on June 2, 2021. The decision found that the City should not be required to construct the originally proposed Don Mills Community Centre at 966 Don Mills Road, that Council's July 2019 decision to proceed with the Celestica Community Recreation Centre was reasonable; and that the Celestica Community Recreation Centre would better serve the Don Mills community and would be a better use of public resources than the original proposed Don Mills Community Centre. A link to the Court decision can be found here:

<https://www.canlii.org/en/on/onsc/doc/2021/2021onsc4009/2021onsc4009.html?autocompleteStr=don%20mills%20&autocompletePos=4>

On July 2, 2021, the DMRI appealed the decision of the Superior Court to the Court of Appeal of Ontario.

COMMENTS

This report is about litigation before the Ontario courts 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 Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information