

## **1109 Bathurst Street and 246-248 Albany Road - Zoning By-law Amendment and Site Plan Control Applications - Request for Directions Report**

**Date:** March 28, 2022

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11 - University-Rosedale

### **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 potential litigation.

### **SUMMARY**

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On June 24, 2020, the applicant ("Talus (Bathurst) Limited") submitted an application for a zoning by-law amendment (Application 20 159922 STE 11 OZ) (the "Zoning By-law Amendment Application") and an application for site plan approval (Application 20 159926 STE 11 SA). Both applications were deemed complete by the City on the same date.

On June 3, 2021, the applicant appealed both applications to the Ontario Land Tribunal (the "Tribunal"). The appeal was made citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*.

The purpose of this report is to request further instructions in respect of the Zoning By-law Amendment application prior to the Tribunal Case Management Conference which is scheduled to commence on April 29, 2022.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (March 28, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to the report (March 28, 2022) from the City Solicitor if the confidential recommendations in Confidential Attachment 1 are adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (March 28, 2022) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.
4. City Council authorize the public release of the confidential information and documents in Confidential Attachments 2 to the report (March 28, 2022) from the City Solicitor if the confidential recommendations in Confidential Attachment 1 are adopted by City Council.

## FINANCIAL IMPACT

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

## DECISION HISTORY

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During its meeting of September 16, 2020, The Toronto and East York Community Council adopted, without amendment, the recommendations of the Preliminary Report (August 24, 2020) from the Director, Community Planning, Toronto and East York District directing staff to schedule a community consultation meeting for Zoning By-law Amendment Application together with the Ward Councillor:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.36>

## COMMENTS

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

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Attachment 2 - Confidential Information