

4050 Yonge Street - Official Plan Amendment, Zoning Amendment, and Site Plan Control Applications - Request for Directions Report

Date: March 29, 2022

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

On or around February 4, 2022, the appellant made a "With Prejudice" resubmission of its request to amend the City's Official Plan and Zoning by-law amendment applications (File: 20 115845 NNY 08 OZ), and Site Plan Control application (File: 20115847 NNY 08 SA) following City Council's acceptance of the appellant's settlement offer that were a part of the first two applications at its meeting of December 15, 16 & 17, 2021 pursuant to the adoption of Item CC38.8. A copy of the decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC38.8>

The zoning by-law amendment to City of Toronto Zoning By-law 569-2013, as amended proposes the rezoning of a portion of the site to Open Space - Natural (see Public Attachment 1). The lands to be rezoned in this manner are within the site and located below the long-term stable top of slope and within the 10 metre buffer lands abutting the long-term stable top of slope. The lands are proposed to be conveyed into public ownership by the Owner (see Public Attachment 2, Drawing A.08).

The purpose of this report is to request instructions for the purpose of an appeal before the Ontario Land Tribunal (OLT) originally scheduled to commence on May 9, 2022. The OLT has now released the first week of hearing time and the hearing is scheduled to start on May 17, 2022.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (March 29, 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 29, 2022) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (March 29, 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.

FINANCIAL IMPACT

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

DECISION HISTORY

On October 7, 2020, North York Community Council adopted the Preliminary Report (September 21, 2020) from the Acting Director, Community Planning, North York District.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY18.9>

On March 10, 2021, City Council adopted the recommendations of the Request for Directions Report (February 5, 2021) from the Acting Director, Community Planning North York District and directed the City Solicitor and staff to appear at the OLT in opposition to the proposed development.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY22.1>

On June 8 & 9, 2021, City Council adopted the recommendations of the Request for Directions Report (May 31, 2021) from the City Solicitor and continued to instruct the City Solicitor and staff to appear at the OLT in opposition to the proposed development.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC34.5>

On December 15, 16 & 17, 2021, City Council adopted the recommendations of the Request for Directions Report (December 6, 2021) from the City Solicitor and requested the City Solicitor to file a report at a later date regarding progress made with the development proposal subject to the OLT appeal.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC38.8>

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. Attachment 1 to this report contains confidential advice and should be considered by Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Draft Zoning By-law Amendment to City of Toronto Zoning By-law 569-2013, as amended
2. Public Attachment 2 - Revised Architectural Plans, dated January 29, 2022, showing the Conservation Lands and the Owner's proposal that they be conveyed into public ownership
3. Confidential Attachment 1 - Confidential Information