



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

241 Redpath Avenue - Zoning By-law Amendment Application - Request for Directions Report

Date: March 30, 2022

To: City Council

From: City Solicitor

Wards: 15 - Don Valley West

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

The purpose of this report is to request further instructions for the potential Ontario Land Tribunal ("**OLT**") hearing into this matter currently scheduled to commence on May 30, 2022, for 4 weeks. The applicant appealed the proposed Zoning By-law Amendment Application for 241 Redpath Avenue to the OLT due to Council's failure to make a decision on the application within the time prescribed by the Planning Act.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (March 30, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, Confidential Appendix "A" and Confidential Appendix "B" to the Report (March 30, 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 30, 2022) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

Official Plan Amendment Plan 405 ("**OPA 405**"), including the Yonge-Eglinton Secondary Plan (the "**Secondary Plan**"), was approved as modified by the Minister of Municipal Affairs and Housing on June 5, 2019. The Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place, and where growth is directed near transit. The Secondary Plan provides guidance on the appropriate scale and location of future growth and links growth with the provision of infrastructure

The Secondary Plan approved as modified by the Minister of Municipal Affairs and Housing, can be found here: https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

The application that is the subject of this report was submitted and deemed complete as of June 15, 2020.

On September 10, 2020, North York Community Council adopted a Preliminary Report authorizing staff to conduct a community consultation meeting. City Planning Staff were directed to evaluate this application as part of the Council-directed Midtown Zoning Review. North York Community Council's decision and the Preliminary Report are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY17.5>

On November 6, 2020, the applicant appealed its application to the OLT due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

On March 10, 2021, City Council adopted a Request for Directions report from the Acting Director, North York Districted and directed the City Solicitor and appropriate City staff to oppose the application and continue discussions with the applicant to resolve matters. The Decision of City Council may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY22.2>

The OLT held one case management conference on May 12, 2021, during which it scheduled a 20-day hearing, to commence on May 30, 2022.

COMMENTS

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

CONTACT

Laura K. Bisset, Solicitor, Planning & Administrative Tribunal Law Tel: 416-392-8782;
Email: Laura.Bisset@toronto.ca

Daniel Elmadany, Solicitor, Planning & Administrative Tribunal Law Tel: 416-397-5709;
Email: Daniel.Elmadany@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information
Confidential Appendix "A" - Confidential Information
Confidential Appendix "B" - Confidential Information