

**2872, 2880 and 2882 Kingston Road- Zoning By-law
Amendment Application – Request for Direction**

Date: May 2, 2022

To: City Council

From: City Solicitor

Wards: 20 - Scarborough Southwest

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

Artlife Developments (the "Applicant") is the owner of the property municipally known as 2872, 2880 and 2882 Kingston Road (the "Subject Site"). The Applicant applied for amendments to Cliffcrest Community By-law 9396 and City of Toronto Zoning By-law 569-2013 (the "Application") in order to facilitate a 10-storey mixed-use building containing 145 dwelling units and 295 square metres of ground floor commercial space with a total gross floor area of 9,437 square metres (the "Original Application").

On March 10, 2021, City Council adopted the recommendations of Community Planning staff to refuse the Applications. The Applicant appealed City Council's decision to the Ontario Land Tribunal (the "OLT"). The appeal was assigned Case No. PL210208. In its decision dated October 6, 2021, the OLT set an 8-day hearing of the appeal to commence on June 28, 2022.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential recommendations in Confidential Attachment 1 are adopted by City Council, City Council authorize the public release of:
 - a. the confidential recommendations in Confidential Attachment 1, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege; and
 - b. Confidential Attachment 2.

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 February 14, 2019, Scarborough Community Council considered a preliminary report on the zoning amendment application for 2872-2882 Kingston Road. Community Council's decision and the Preliminary Report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC3.2>

On March 10, 2021, City Council adopted the recommendations of Community Planning staff to refuse the Application. City Council's decision and the refusal report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.SC22.2>

The Applicant appealed the Application to the OLT. An 8-day OLT hearing is scheduled to commence on June 28, 2022.

On March 9, 2022 City Council adopted recommendations of the City Solicitor in respect of the appeal of the development to the OLT. City Council's decision and the request for direction can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC41.15>

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 and litigation. Confidential Attachment 1 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

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information