

**1124 - 1130 Islington Avenue -Development Charges-
Section 20 Complaint**

Date: May 2, 2022

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

This report concerns litigation that affects the City of Toronto. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

This report concerns an appeal to the Ontario Land Tribunal from a complaint filed pursuant to section 20 of the Development Charges Act, 1997, regarding development charge payments made by the owner in respect of building permits issued to allow the construction of new buildings at 1124, 1128 and 1130 Islington Avenue.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release of the recommendations set out in Confidential Attachment 1, once adopted by City Council, and that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

The financial implications are discussed in Confidential Attachment 1.

DECISION HISTORY

None

COMMENTS

Description of Section 20 Complaint

On October 31, 2018, the owner of 1124, 1128 and 1130 Islington Avenue was issued building permits to allow the construction of 12 townhouse units and 2 semi-detached dwelling units. In support of such permits, the applicable development charges were paid on October 31, 2018. The main building permit was subsequently revoked, and new permits were issued in October of 2019 at which time the City required a further DC payment in the amount of \$173,244. The owner made this second payment in protest, and on December 24, 2019, the owner filed a complaint pursuant to section 20 of the Development Charges Act, 1997, objecting to the second development charge payment.

On June 7, 2021, the owner filed a notice of appeal to the Ontario Land Tribunal ("OLT"), pursuant to section 22 of the Development Charges Act, 1997, due to the City's failure to deal with the complaint within 60 days from the date the complaint was filed with the City Clerk. Following the appeal, staff have engaged in without prejudice discussions with the appellant with a view to resolving or narrowing the outstanding issues for the OLT hearing. The purpose of this report is to provide an update on the outcome of these discussions and to seek further instructions.

Conclusion

The City Solicitor requires instructions. This report is about litigation before the Ontario Land Tribunal and contains advice or communications that are subject to solicitor-client privilege. 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

Confidential Attachment 1 - Confidential Report from City Solicitor