

3095 Eglinton Avenue East - Zoning By-law Amendment - Request for Directions Report

Date: June 7, 2022

To: City Council

From: City Solicitor

Wards: Ward 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

On June 22, 2021, the applicant ("11426575 Canada Inc. ") submitted an application for a zoning by-law amendment (Application 21 171081 ESC 20 OZ) (the "Zoning By-law Amendment Application"). The application proposed to amend City-wide Zoning By-law 569-2013 and the Scarborough Village Community Zoning By-law 10010 for the lands municipally known as 3095 Eglinton Avenue East.

On November 18, 2021, the applicant appealed the application 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 June 29, 2022.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (June 7, 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 (June 7, 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 (June 7, 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 Attachment 2 to the report (June 7, 2022) from the City Solicitor if the confidential recommendations in Confidential Attachment 1 are adopted by City Council.

FINANCIAL IMPACT

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

DECISION HISTORY

During its meeting of April 25, 2022, the Scarborough Community Council received the status report (March 31, 2022) from the Director, Community Planning, Scarborough District:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.SC31.10>

COMMENTS

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

Wendy Walberg
City Solicitor

ATTACHMENTS

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