

1326 and 1328 Wilson Avenue - Official Plan and Zoning By-law Amendment and Site Plan Control Applications – Request for Direction Report

Date: July 12, 2022

To: City Council

From: City Solicitor

Wards: Ward 6 – York Centre

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding litigation.

SUMMARY

The purpose of this report is to request further instructions for the Ontario Land Tribunal ("Tribunal") proceeding that is currently scheduled for a case management conference on August 8, 2022 and a potential ten-day contested hearing beginning May 8, 2023. The applicant has appealed the proposed Official Plan and zoning by-law amendment application for 1326 and 1328 Wilson Avenue due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

On June 15, 2022 City Council directed the City Solicitor, along with appropriate staff, to oppose the Tribunal appeal but continue discussions with the applicant to resolve issues.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the City Solicitor report dated June 12, 2022.

2. City Council authorize the public release of the Confidential Appendix A and the confidential recommendations in Confidential Attachment 1 of the report, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to the report remain confidential at the discretion of the City Solicitor, as it contains advice and information 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

The application for Official Plan and Zoning By-law Amendment was submitted on March 4, 2016 and deemed complete on March 17, 2016. A Preliminary Report was adopted by North York Community Council on May 10, 2016 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY14.24>

A Request for Directions Report, dated February 2, 2022, from the Director, Community Planning, North York District, was considered by City Council at its meeting of June 15, 2022. City Council directed the City Solicitor and Planning staff to attend the Tribunal in opposition to the appeals. The report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-222688.pdf>

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about litigation before the Ontario Land Tribunal 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 City Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" – Confidential Information