

## **808 Mount Pleasant Road - Zoning By-law Amendment Application - Request for Directions Report**

Date: July 11, 2022

To: City Council

From: City Solicitor

Wards: Ward 12 - Toronto - St. Paul's

### **REASON FOR CONFIDENTIAL INFORMATION**

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

### **SUMMARY**

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On June 29, 2018, the applicant (2245883 Ontario Inc.) appealed its Zoning By-law Amendment application (Application No. 17 261931 STE 22 OZ) to the Ontario Land Tribunal (OLT). The appeal was made without revisions to the original proposal and citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*.

During its meeting of November 9, 10, and 12, 2021, City Council accepted a settlement offer from the applicant pursuant to its adoption of Item CC37.4. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC37.4>

By decision issued on May 31, 2022, the OLT granted the appeal in part and made an interim order in respect of the development proposal as described in the settlement offer and withheld its final order pending the completion of matters set out in its decision.

The purpose of this report is to request further instructions in respect of this matter prior to the OLT issuing its final order in this matter prior to August 12, 2022.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (July 11, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 and Confidential Appendix A to the report (July 11, 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 and Confidential Appendix B to the report (July 11, 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.

## FINANCIAL IMPACT

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

## DECISION HISTORY

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During its meeting of July 24, 25, 26, 27, and 30, 2018, City Council adopted, without amendment, the recommendations of the Interim Request for Directions Report (June 15, 2018) from the Acting Director, Community Planning, North York District directing the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal, as it then was, to oppose the Zoning By-law Amendment application in the form it was then in the event it was appealed by the owner because the City had failed to make a decision on the application in accordance with the timelines under the *Planning Act*.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.40>

During its meeting of November 9, 10, and 12, 2021, City Council accepted a settlement offer from the applicant pursuant to its adoption of Item CC37.4. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC37.4>

## **COMMENTS**

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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 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**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix A - Confidential Information
3. Confidential Appendix B - Confidential Information