

City Council

Motion without Notice

MM45.40	ACTION			Ward: 18
---------	--------	--	--	----------

5203 to 5215 Yonge Street and 11 Parkview Avenue - Official Plan Amendment and Zoning By-law Amendment Appeals - Further Direction Regarding Ontario Land Tribunal Hearing - by Councillor John Filion, seconded by Councillor Joe Mihevc

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Confidential Attachment - Litigation or potential litigation that affects the City or one of its agencies or corporations and advice or communications that are subject to solicitor-client privilege.

Recommendations

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that City Council adopt the following recommendations in the report (June 14, 2022) from the City Solicitor:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to the report (June 14, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and Confidential Appendix A to the report (June 14, 2022) from the City Solicitor, at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (June 14, 2022) from the City Solicitor is to remain confidential, as it contains advice which is subject to solicitor-client privilege and litigation privilege.

Summary

The Owner of the lands municipally known as 5203, 5205, 5211, 5213, and 5215 Yonge Street and 11 Parkview Avenue (the "Site") made applications to amend the North York Centre Secondary Plan (the "NYCSP") and Zoning By-law No. 7625 to permit a 32 storey mixed-use building on the Site. The applications were appealed to the Ontario Land Tribunal (the "OLT"). An eight day OLT hearing is scheduled from January 16, 2023 to January 25, 2023. A with prejudice settlement offer dated April 29, 2022 was rejected by City Council at its meeting on May 11 and 12, 2022 (CC43.21). The City Solicitor now requires further direction in respect of the OLT proceedings.

This Motion is urgent and time sensitive as it relates to litigation with set procedural timelines and the City Solicitor requires instructions.

Background Information (City Council)

Member Motion MM45.40

(June 14, 2022) Report from the City Solicitor on 5203 to 5215 Yonge Street and 11 Parkview Avenue - Official Plan Amendment and Zoning By-law Amendment Application - Request for Further Direction Regarding Ontario Land Tribunal Hearing

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-227377.pdf>

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix A - Confidential Information