

**4926 Bathurst Street - Official Plan and Zoning  
Amendment Application - Request for Direction**

**Date:** December 5, 2022

**To:** City Council

**From:** City Solicitor

**Wards:** York Centre - Ward 6

**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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The purpose of this report is to request further instructions for the potential Ontario Land Tribunal ("OLT") hearing into this matter currently scheduled to commence on March 20, 2023, for two weeks. The applicant appealed the proposed Zoning By-law and Official Plan amendments to the OLT due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of the recommendations contained in the Confidential Attachment 1 as well as Confidential Appendices "A" and "B", with the remainder of the Confidential Attachment 1 to remain confidential, as it contains advice subject to solicitor-client privilege.

**FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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In November 2020, an Application was submitted to amend the Zoning By-law and Official Plan to permit a 26-storey mixed-use building with retail uses at grade at the Southwest corner of Bathurst Street and Finch Avenue West.

A Preliminary Report was adopted by North York Community Council on March 1, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification boundary. The decision of North York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY22.7>

On December 3, 2021, the applicant filed an appeal with the OLT on the application due to Council not making a decision within the 120-day time frame in the *Planning Act*.

A Request for Directions Report (dated January 26, 2022) from the Director, Community Planning North York District was considered by City Council on March 9, 2022 and was adopted, directing the City Solicitor and Planning staff to attend at the OLT and oppose the Zoning By-law and Official Plan amendment applications. The Council decision and related report can be accessed via this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY30.3>

## COMMENTS

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The City Solicitor requires further instructions on this matter. 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 should be considered by City 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" to Confidential Attachment 1 - Confidential Information
3. Confidential Appendix "B" to Confidential Attachment 1 - Confidential Information