

1 Weatherell Street – Proposed Designation By-Law under Part IV, Section 29 of the Ontario Heritage Act – Consideration of Objection

Date: December 5, 2022

To: City Council

From: City Solicitor

Wards: Ward 4 - Parkdale-High Park

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

City Council has stated its intention to designate the subject property under Part IV, Section 29 of the *Ontario Heritage Act*. A notice of intention to designate was served on the property owners and the Ontario Heritage Trust, and was published in accordance with the *Act*. The objection period ended on November 3, 2022.

The City Clerk received a notice of objection on behalf of Rob and Marta Vitale within the required timeframe set out in the *Act*. The *Act* requires that City Council consider and make a decision on an objection within 90 days from the end of the objection period. City Council may decide to withdraw, amend, or affirm its intention to designate. City Council has until January 31, 2023 to make a decision on the objection.

On July 27, 2022, the Committee of Adjustment through File No. A0474/22TEY approved variances to construct a new three-storey detached dwelling with an integral garage, a front covered porch and rear terrace on two conditions:

- (1) Prior to the issuance of a building permit, the applicant/owner shall submit a complete application for permit to injure or remove a City owned tree(s) under Municipal Code Chapter 813, Trees Article II, Trees on City Streets, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Toronto and East York District.

(2) No demolition permit shall be issued in advance of a building permit.

No appeals were made to the Committee of Adjustment decision and it is now final and binding.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report (December 5, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 and Confidential Appendix "A", to this report, if adopted by City Council, at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report is to 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

On September 28, 2022, City Council adopted item CC50.11 and stated its intention to designate the property at 1 Weatherell Street under Part IV, Section 29 of the *Ontario Heritage Act*:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC50.11>

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about potential litigation 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

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Notice of Objection Letter from Goodmans LLP dated October 31, 2022
2. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
3. Confidential Appendix "A" - Confidential Information