



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

4630 Kingston Road – Zoning By-law Amendment Application – Ontario Land Tribunal Hearing - Request for Directions

Date: July 4, 2023

To: City Council

From: City Solicitor

Wards: Ward 25 - Scarborough-Rouge Park

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 seek further instruction in relation to a development application for an appeal at the Ontario Land Tribunal ("OLT").

This report has been prepared in consultation with City Planning staff.

A pre-application meeting was held on July 30, 2021. The Application was submitted on December 29, 2021 and deemed complete on January 31, 2022. A Site Plan Control application was also submitted on December 29, 2021.

The applicant appealed City Council's neglect or failure to make a decision regarding its Application, under subsection 34(11) of the *Planning Act*, on August 23, 2022 (the "Appeal").

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

This hearing is scheduled to commence on September 25, 2023 for 6 days. As a result, there are various upcoming procedural filing deadlines such as the filing of expert witness statements, which are due on July 21, 2023. This matter is urgent and cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, Confidential Appendix "A", Confidential "B", and Confidential "C" to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

On May 27, 2022, Scarborough Community Council adopted a Preliminary Report on the zoning by-law amendment application regarding 4630 Kingston Road (the "Application"), and directed staff to conduct a community consultation meeting with an expanded notification area.

The Preliminary Report and Scarborough Community Council decision can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.SC32.5>

CONTACT

Marc Hardiejowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4960; Fax: (416) 397-5624; Email: marc.hardiejowski@toronto.ca

Adam Ward, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 394-2787; Fax: (416) 397-5624; Email: adam.ward@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 – Confidential Information
2. Confidential Appendix "A" – Confidential Information
3. Confidential Appendix "B" – Confidential Information
4. Confidential Appendix "C" – Confidential Information