



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3351-3359 Ellesmere Rd – Official Plan & Zoning By-law Amendment – Ontario Land Tribunal Hearing – Request for Directions

Date: September 28, 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 potential litigation.

SUMMARY

On October 19, 2022, the City received Zoning By-law and Official Plan Amendment applications to permit the development of two blocks of four-storey stacked townhouses containing 53 residential units and a ground floor commercial unit located at 3351-3359 Ellesmere Road. A Site Plan application was subsequently submitted on December 23, 2022 (collectively the "Application").

On April 10, 2023, the Applicant appealed the Application to the Ontario Land Tribunal (the "OLT") due to City Council not making a decision within the prescribed timeline frame set out in the *Planning Act*.

An OLT case management conference is scheduled for November, 23 2023. This matter is urgent as the City Solicitor requires further directions to meet procedural timelines and this item cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report 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" and "B" 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 at the discretion of the City Solicitor, 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

A pre-application meeting was held on March 8, 2022. The Zoning By-law and Official Plan Amendment applications were submitted on October 19, 2022 and deemed complete on November 8, 2022. The Site Plan application was submitted on December 23, 2022 and deemed completed on January 25, 2023. A Community Consultation meeting took place with the applicant on February 15, 2023.

The applicant appealed the Official Plan Amendment, Zoning By-law Amendment and Site Plan applications to the Ontario Land Tribunal on April 10, 2023 due to the City's lack of decision on the applications within the time periods set out within the *Planning Act*.

COMMENTS

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.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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