



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 172 - 186 Finch Avenue West, 1-33 Grantbrook Street and 305-313 Hendon Avenue - Official Plan Amendment and Zoning Amendment Applications - Request for Directions Report

**Date:** December 2, 2023  
**To:** City Council  
**From:** City Solicitor  
**Wards:** Ward 18 - Willowdale

### 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

---

The purpose of this report is to request further instructions for the Ontario Land Tribunal ("OLT") appeal respecting the development application at 172-186 Finch Avenue West, 1-33 Grantbrook Street and 305-313 Hendon Avenue. The applicant appealed the proposed Zoning By-law Amendment and Official Plan Amendment to the OLT on November 30, 2022, due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

### RECOMMENDATIONS

---

The City Solicitor recommends that:

1. City Council adopt the 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" 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 Preliminary Report was adopted by North York Community Council on January 6, 2021, directing staff to conduct a community consultation meeting with an expanded notification area. The Preliminary Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY29.28>

Following the application's appeal to the Ontario Land Tribunal City Council considered the application at its meeting of May 10, 2023. Council directed the City Solicitor and appropriate staff to attend the Ontario Land Tribunal in opposition to the application and appeal. That decision of Council can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY4.11>

## **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**

---

Matthew Longo, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8109; Fax: (416) 397-5624; Email: [matthew.longo@toronto.ca](mailto:matthew.longo@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

1. Confidential Attachment 1 - Confidential from the City Solicitor
2. Confidential Appendix "A" - Confidential Information