



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

145 Sheppard Avenue East – Ontario Land Tribunal Hearing – Request for Directions

Date: December 4, 2024
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

On November 20, 2017, the City received Official Plan and Zoning By-law Amendment applications for 145 Sheppard Avenue East (the "Site") to permit the construction of an 11-storey mixed use building with at grade retail and an underground parking garage with 47 vehicular parking spaces.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment to the former Ontario Municipal Board (OMB) on March 29, 2018, and at its meeting on June 26, 27, 28 and 29, 2018, City Council refused the Official Plan Amendment application. The refusal of the Official Plan Amendment application was appealed to the former Local Planning Appeal Tribunal (LPAT) on July 26, 2018. The two appeals have been consolidated (together the "Appeals") and a 5-day hearing was scheduled at the Ontario Land Tribunal (OLT) on January 20, 2025, but it has since been converted to 1-day Case Management Conference on January 24, 2025.

The City Solicitor requires further directions prior to the end of the December 17, 18 and 19, 2024 meeting of City Council.

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 and 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

On March 29, 2018, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment application to the former OMB.

A Preliminary Report on the applications was deferred by North York Community Council on April 4, 2018, to allow City Planning staff an opportunity to submit a Request for Directions Report because of the appeal of the Zoning By-law Amendment application to the former LPAT. The Preliminary Report and the Community Council Decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY29.8>

A combined Official Plan Amendment Refusal Report and a Zoning By-law Amendment Request for Direction Report was adopted by City Council on June 26, 27, 28 and 29, 2018, directing the City Solicitor and appropriate City staff to attend the former LPAT to oppose the Zoning By-law Amendment application and to oppose the Official Plan Amendment application if its refusal was appealed, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Refusal Report and Request for Direction Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.NY31.2>

On July 26, 2018, the applicant appealed City Council's refusal of the Official Plan Amendment application to the former LPAT, and this appeal was consolidated with the Zoning By-law Amendment appeal. A 5-day hearing was scheduled at the OLT starting

on January 20, 2025, but it has since been converted to 1-day Case Management Conference on January 24, 2025.

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