

**5207 Dundas Street West – Development Charges
Complaint – Request for Directions**

Date: January 22, 2025

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke - Lakeshore

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 September 10, 2024, the City received a complaint from KT Housing Now Six Points GP Inc. (the "Complainant"), pursuant to section 20 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the "Section 20 Complaint"), for 5207 Dundas Street West (the "Site") regarding the payment of development charges.

The City Solicitor requires further directions. These matters are urgent and cannot be deferred.

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 direct that the confidential recommendations and all other information contained in Confidential Attachment 1 and Confidential Appendix "A" to this report from the City Solicitor is to remain confidential as it contains advice and information which is subject to solicitor-client privilege and litigation privilege.

FINANCIAL IMPACT

The financial impact of the proposed settlement is detailed in Confidential Attachment 1 to this report.

DECISION HISTORY

On February 2-3 and 5, 2021, City Council adopted Item EX20.4, which authorized the Chief Financial Officer and Treasurer, for rental, institutional and non-profit housing developments, to enter into agreements, based on the general terms and conditions of the instalment payment agreement, that provides for interest charges at the City's cost of capital plus half a percent, where financial security is provided, that permits the option for the early payment of development charges at the time of building permit issuance, and that permits the further deferral of development charges for non-profit long-term care homes for as long as they remain a non-profit long-term care use. City Council's resolution for Item EX20.4 can be found at:

[Agenda Item History - 2021.EX20.4](#)

On September 10, 2024, the City was served with the Section 20 Complaint, regarding a dispute arising from the amount of development charge the Complainant paid in relation to the development on the Site. The Complainant disputed the \$16,969,611.08 of development charges it paid to the City and sought a refund in the amount of \$304,131.08 from the development charges it paid.

COMMENTS

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

CONTACT

Derin Abimbola, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-1376; Email: derin.abimbola@toronto.ca

John Longarini, Director, Revenue Services; Tel: (416) 395-0125; Email: john.longarini@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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