



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1160 Birchmount Road, Unit 4 – Toronto Local Appeal Body Hearing – Request for Directions

Date: September 25, 2025

To: City Council

From: City Solicitor

Wards: Ward 21 - Scarborough Centre

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 13, 2024, the applicant submitted a Minor Variance application for 1160 Birchmount Road, Unit 4 (the "Site") seeking a variance to the City-wide Zoning By-law 569-2013 in order to permit a recreational establishment on the Site.

The City appealed the Committee of Adjustment's decision to approve the application for the Minor Variance (the "Appeal"), to the Toronto Local Appeal Body (the "TLAB") on March 31, 2025.

The City Solicitor requires further directions for an upcoming TLAB Hearing scheduled for November 10, 2025. The matter is 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 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

At its meeting held on August 25, 26, 27 and 28, 2014, City Council adopted Item ED33.9, which provided standing direction to the City Solicitor and appropriate City staff to appeal decisions of the Committee of Adjustment which do not conform with the Official Plan's Employment Areas policies. City Council's resolution for Item ED33.9 can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2014.ED33.9>

On September 13, 2024, the applicant submitted a Minor Variance application seeking a variance to the City-wide Zoning By-law 569-2013 in order to permit a recreational establishment at 1160 Birchmount Road, Unit 4. The Site is split-zoned under Zoning By-law 569-2013 as Employment Heavy Industrial and Employment Industrial, and is split designated as *General Employment Areas* and *Core Employment Areas* in the City of Toronto Official Plan. Community Planning submitted Staff Reports to the Committee of Adjustment dated November 4, 2024 and March 3, 2025, recommending the application be refused.

On March 12, 2025, the Scarborough Panel of the Committee of Adjustment approved the application. On March 31, 2025, the City Solicitor appealed the Committee of Adjustment's decision on the application to the TLAB on behalf of the City under the direction of City Council Item ED33.9.

A TLAB hearing is scheduled for November 10, 2025.

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Committee of Adjustment Decision issued March 17, 2025
2. Public Attachment 2 - Staff Report to the Committee of Adjustment dated November 4, 2024
3. Public Attachment 3 - Staff Report to the Committee of Adjustment dated March 3, 2025
4. Confidential Attachment 1 - Confidential Information
5. Confidential Appendix "A" - Confidential Information