



memorandum

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COMMUNICATION
CW - <u>MAY 8/18</u>
ITEM - <u>5.4</u>

DATE: May 3, 2018

TO: Mayor and Members of Council

FROM: Claudia Storto, City Solicitor
Laura Mirabella, Chief Financial Officer and City Treasurer

RE: **COMMITTEE OF THE WHOLE REPORT NO. 18, ITEM 5.4**
OFFICIAL PLAN AMENDMENT FILE OP.16.010
ZONING BY-LAW AMENDMENT FILE Z.16.039
GATEHOLLOW ESTATES INC.
VICINITY OF ISLINGTON AVENUE AND NAPA VALLEY AVENUE

ACTION: DECISION

Purpose

To respond to Council's request for a report regarding the Carrying Place Ratepayers' Association's ("CPRA") request for financial assistance from the City in order to fund its case in opposition to the Gatehollow Estates Inc. (the "Applicant") proposed development of 9681 and 9691 Islington Avenue which is the subject of an appeal before the Local Planning Appeal Tribunal ("LPAT").

Recommendation

1. That the request from the Carrying Place Ratepayers' Association for a financial grant from the City to fund its case in opposition to Gatehollow Estates Inc.'s development proposal before the LPAT be refused.

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Highlights:

- The Applicant filed appeals to the Ontario Municipal Board (“OMB”, now the LPAT) with respect to the City’s non-decision of its Official Plan Amendment and Zoning By-law Amendment applications to develop two buildings (6 and 8 storeys) with a total of 247 residential dwelling units.
- CPRA has requested a financial grant from the City to fund its case in opposition of the Applicant’s development proposal before the LPAT.
- The City has refused requests by ratepayers’ associations for funding of planning appeals as this would have negative impacts on the City’s financial resources and would potentially be the cause of conflict should the City be adverse in interest in LPAT proceedings.

Background

The Applicant applied for an Official Plan Amendment and Zoning By-law Amendment for a proposed development, which currently consists of two mid-rise buildings (6 and 8 storeys) with a total of 247 residential dwelling units, on the subject lands. The Applicant has appealed the applications to the OMB (now the LPAT).

CPRA requested party status from the OMB at the first Pre-hearing Conference, held on January 17, 2018. As the CPRA was an unincorporated ratepayers’ association (and therefore not a separate legal entity), the OMB granted party status to its representative, Mr. Tony Alati. The Board advised that the CPRA may be granted party status in these proceedings if it is legally incorporated prior to the upcoming Pre-hearing Conference on June 26, 2018.

The CPRA has requested a grant from the City to fund its case in opposition to the LPAT appeals of the Applicant’s development applications. The amount of the requested grant has not been specified, nor has the specific use to which any grant funds will be put.

Previous Reports/Authority

[Committee of the Whole \(Public Hearing\) Report No. 7, Item 3.](#)

[Committee of the Whole Report No. 6, Item 3](#)

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Analysis and Options

In general, the City may provide financial grants for any purpose that Council considers to be in the interests of the municipality. However, the City has refused similar requests by ratepayers' associations for funding of planning appeals due to the impact this would cause to the City's financial resources.

Given the number of LPAT appeals for proposed developments within Vaughan, and the average costs associated with an appeal, funding LPAT proceedings for ratepayers' associations would put further demands on the City's limited financial resources. Funding such requests would set a precedent and require the City to assume an indeterminate amount of financial risk. This amount of risk would likely lead to negative financial consequences for the City.

In addition, the funding of another party's case in an appeal proceeding could put the City in a potential conflict should the party's interest be adverse in nature. Each party appearing in such proceedings should remain independent in order to maintain the utmost credibility. Funding another party's case could call the City's position before the LPAT into question, thereby weakening the City's case.

Other avenues of assistance may be available to ratepayers' associations or residents seeking support for a planning appeal. The recently established Local Planning Appeal Support Centre provides the following support services to persons who meet eligibility criteria: information on land use planning, guidance on LPAT procedures, legal and planning advice, and in certain cases, representation before the LPAT. Regulations have not yet been enacted to establish eligibility criteria for the Support Centre's services however a website has been established which provides additional information at this link: <https://www.lpasc.ca/>. It should be noted that the Support Centre only offers support for appeals filed on or after April 3, 2018, the date the Centre opened.

Financial Impact

Should Council approve the CPRA's request for a financial grant, the direct financial impact would be the amount of the grant authorized by Council. Such approval would set a precedent and therefore would also expose the City to an indeterminate amount of financial risk.

Broader Regional Impacts/Considerations

None.

Conclusion

It is recommended that the request from the CPRA for a financial grant from the City to fund its case before the LPAT be refused to avoid the financial risks that such funding approval would create for the City, as well as to avoid creating a precedent for similar future requests and to prevent potential conflicts for the City.

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For more information, please contact: Effie Lidakis, Legal Counsel x 8385

Attachments

None.

Prepared by

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