



MEMORANDUM

To: Mayor and Members of Council

From: Claudia Storto, City Solicitor and Director of Human Resources

Prepared by: Francesco Santaguida, Assistant City Solicitor

Date: November 26, 2019

Re: Recission of By-law 2019-114 – Zoning By-law for 5440 16th Avenue, Markham (Andrin Investments Limited)

RECOMMENDATION:

1. THAT Council rescind By-law 2019-114.

BACKGROUND:

At its meeting on November 13, 2019, Council considered Item 13.3 “A By-law to amend By-law 177-96, as amended, to facilitate the development of common element condominium development” and confidential item 14.2.1, “LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ANDRIN INVESTMENTS LIMITED, 5440 16TH AVENUE (WARD 4) (8.0) [Section 239 (2) (e)]”.

The Zoning By-law Amendment application has been appealed to the Local Planning Appeal Tribunal (“LPAT”) for a lack of decision, and as a result, approval authority for the zoning by-law amendment rests with the LPAT and not with the City. Inadvertantly, the zoning by-law was included on the Council agenda and was passed by Council at its November 13, 2019 meeting.

As Council is not the approval authority, the by-law is inoperative. In order to avoid administrative confusion at the City, and confusion at the LPAT hearing of this matter, staff recommend that By-law 2019-114 be rescinded.