



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

33 Holly Street, 44 Dunfield Avenue, 86 & 88 Soudan Avenue – Zoning Amendment Application - Request for Directions Report

Date:	January 28, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 22 – St. Paul's
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	13 211324 STE 22 OZ & 14 153097 STE 22 RH

SUMMARY

This application proposes two condominium apartment buildings of 24 and 32 storeys attached to two existing, 14-storey rental apartment buildings at 33 Holly Street and 44 Dunfield Avenue; 5-storey additions on top of the two existing rental apartment buildings at 33 Holly and 44 Dunfield; and a 6-storey apartment building at 86 & 88 Soudan Avenue. The new 6-storey apartment building would require the demolition of two rented, single detached houses.

The Zoning By-law Amendment application has been appealed to the Ontario Municipal Board (OMB) by the applicant due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. At its meeting of May 5, 6 and 7, 2015, City Council directed the City Solicitor, together with appropriate City staff, to oppose the proposal in its current form at the OMB.

Pre-hearings at the OMB were held on January 30, 2015 and May 25, 2015. City staff, together with the other parties to the hearing participated in an OMB-led mediation session on December 10 and 11, 2015. A full hearing for this matter is set to commence on March 21, 2016.

Further direction from City Council is required with regard to this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the Confidential Recommendations to staff in Attachment 1.
2. The Recommendations in Confidential Attachment 1 to this report as well as the information contained in Appendix "A" of Confidential Attachment 1 be made public if Council adopts Recommendation 1.
3. Except as provided in Recommendation 2 above, all other information contained in the Confidential Attachment 1 is to remain confidential.

Financial Impact

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On October 17, 2013, Toronto and East York Community Council adopted the recommendations of the report dated September 20, 2013, from the Director, Community Planning, Toronto and East York District, titled: "Preliminary Report - 33 Holly Street, 44 Dunfield Avenue, 86 and 88 Soudan Avenue - Zoning Amendment Application", with an amendment to expand the notification area for the community consultation meeting.

The full decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE27.31>

At its meeting of May 5, 6 and 7, 2015, City Council adopted the recommendations of the report dated April 8, 2015 from the Director, Community Planning, Toronto and East York District, titled: "33 Holly Street, 44 Dunfield Avenue, 86 and 88 Soudan Avenue - Zoning Amendment Application and Rental Housing Demolition Application - Request for Directions Report."

The full decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE5.10>

ISSUE BACKGROUND

This application proposes two condominium apartment buildings of 24 and 32 storeys attached to two existing, 14-storey rental apartment buildings at 33 Holly Street and 44 Dunfield Avenue; 5-storey additions on top of the two existing rental apartment buildings at 33 Holly and 44 Dunfield; and a 6-storey apartment building at 86 & 88 Soudan Avenue. The new 6-storey apartment building would require the demolition of two

rented, single detached houses. The proposed attached apartment buildings and top-up additions at 33 Holly and 44 Dunfield are condominium tenure. The existing apartment buildings at 33 Holly and 45 Dunfield, and the proposed apartment building at 86 & 88 Soudan, are rental.

A Rental Housing Demolition and Conversion application has been submitted to demolish the two existing single detached, rental houses at 86 and 88 Soudan Avenue. 492 condominium and 46 rental units are proposed in addition to the 324 existing rental units on the site, for a total of 862 residential units. 600 parking spaces are proposed on the site.

In reporting to Council in May, 2015, the Director of Community Planning, Toronto and East York District recommended that Council direct the City Solicitor, together with appropriate City staff, to oppose the proposal in its current form at the OMB. Among other concerns, staff found the application to represent overdevelopment of the site, to not comply with the policies of the Apartment Neighbourhoods designation of the Official Plan and to not improve the quality of life of the existing tenants as required by the Official Plan.

City Planning and Parks, Forestry & Recreation Staff recommended on-site parkland dedication be required pursuant to Section 42 of the *Planning Act*. As cash-in-lieu of parkland was proposed, a revision to the application was required. The manner in which the parkland dedication is secured (land or cash-in-lieu) is at the discretion of City Council and not appealable to the OMB. The Council decision included a requirement for on-site parkland dedication as recommended by City staff.

The Zoning By-law Amendment application has been referred to the Ontario Municipal Board (OMB) by the applicant due to Council's failure to make a decision on the application within the time prescribed by the Planning Act. Pre-hearings at the OMB were held on January 30, 2015 and May 25, 2015. City staff participated in an OMB-led mediation session on December 10 and 11, 2015. A full hearing for this matter is set to commence on March 21, 2016.

Further direction from City Council is required with regard to this matter.

COMMENTS

This report is about litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council in camera.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information