

## **117-127 Broadway Avenue - Request for Directions Regarding OMB Hearing**

**Date:** October 31, 2017

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 22 - St. Paul's

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

### **SUMMARY**

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This application proposes a residential development of two 36 and 37-storey towers linked by a 9-storey base building at 117-127 Broadway Avenue. The north 36-storey tower has a 6-storey base building, while the south 37-storey tower has an 8-storey base building. The proposed development contains 990 dwelling units, including 131 replacement rental dwelling units. 441 vehicular parking spaces are proposed in a 3-level underground garage.

The two existing rental apartment buildings on the site, containing 131 existing rental dwelling units, would be demolished. An application for Rental Housing Demolition and Conversion under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) has been filed to permit the demolition of the existing rental dwelling units. The applicant proposes to replace all 131 rental dwelling units within the new development on the site.

The application proposes off-site parkland dedication approximately 120 metres to the east at 174-180 Broadway Avenue (the "Proposed Off-Site Parkland Dedication Site"). The Proposed Off-Site Parkland Dedication Site is currently occupied by two 2-storey rental apartment buildings with rental dwelling units. The applicant has not yet applied for Rental Housing Demolition of the existing rental dwelling units.

The purpose of this report is to request further instructions for the Ontario Municipal Board ("OMB") hearing that is scheduled to commence November 20, 2017.

Staff Report with confidential attachment for Action on 117-127 Broadway Avenue OMB Hearing

City Planning has been involved in the preparation of this report.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Attachment 2 and Confidential Appendix A to this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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At its meeting of January 19, 2016, Toronto and East York Community Council considered a preliminary report, a copy of which is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.34>

The owner appealed the Zoning By-law Amendment application to the OMB, citing City Council's failure to make a decision within the time prescribed by the Planning Act.

At its meeting on October 2, 3 and 4, 2017, City Council adopted the recommendations in Item No. TE26.24, which can be found on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.24>

A hearing is scheduled to commence November 20, 2017.

## **COMMENTS**

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This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Recommendations and Confidential Information  
Confidential Attachment 2 - Confidential Information  
Confidential Appendix A - Confidential Information