



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### Request for Directions - 321 Davenport Road - Local Planning Appeal Tribunal Hearing

**Date:** January 16, 2019

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11 - University Rosedale

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations. This report contains advice or communications that are subject to solicitor-client privilege.

#### **SUMMARY**

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The City Solicitor seeks directions regarding an upcoming Local Planning Appeal Tribunal ("LPAT") hearing pertaining to the proposed redevelopment of lands at 321 Davenport Road. Following Tribunal-led mediation, the owner of the property has made a with prejudice offer to settle their outstanding appeal.

#### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to this report if adopted by City Council.
3. City Council direct that the remainder of Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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There is no financial impact arising from the recommendations in this report.

## DECISION HISTORY

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An application to amend the Zoning By-law pertaining to the lands at 321 Davenport Road was submitted on April 26, 2016 by Alterra Development 2000 Ltd. ("Alterra"). The original proposal was for an eight storey residential building with 21 units. The proposed building height was 29.4 metres with a 3.45 metre mechanical penthouse for a total of 32.8 metres. A preliminary report dated October 19, 2016 based on this proposal was sent to Toronto and East York Community Council on November 15, 2016

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE20.34>

Further revised proposals were submitted in March, 2017 and May 2017 that include a reduction in units and an increase in setback and setbacks to provide improved built form transition to neighbouring properties. A final report to City Council from City Planning dated May 26, 2017 recommended approval.

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-104502.pdf>

At its meeting, the Toronto and East York Community Council adjourned the public meeting until September and requested staff to conduct a further review of all trees on the property and to organize a public meeting to consider how to retain as many trees as possible and improve privacy for adjacent neighbours.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE25.4>

On June 22, 2017 Alterra appealed its application for lack of a decision during the statutory timeframe.

City Planning submitted a Request for Directions Report to Council dated August 16, 2017 which outlined the findings of Urban Forestry's review of the trees affected by the application.

At its meeting of October 2, 2017 City Council instructed the City Solicitor to seek mediation at the earliest possible date.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.6>

A mediation was held at the LPAT in September 2018 between Alterra, the City and the Admiral Taddle Creek Residents Association Inc.

## **COMMENTS**

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On December 18, 2018, Alterra sent a with prejudice settlement letter to the City Solicitor (Public attachment 1) in the context of the mediation and subsequent discussions between the parties. The current with prejudice settlement proposal is for a nine storey, 20 unit building. It has an overall height of 36.5 metres to the top of the mechanical penthouse. The settlement proposal provides for a substantial increase in the setback to the west and additional built form changes to address transition and privacy.

The City Solicitor seeks instructions prior to the LPAT hearing set to commence on February 25, 2018.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Public Attachment 1 - With Prejudice Settlement Letter and enclosed Architectural Drawings (Enclosed Architectural Drawings to the Settlement Letter are on file with the City Clerk for the purposes of the January 30, 2019 Council meeting).

Confidential Attachment 1 - Confidential Information