



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 980, 982, 984, 986, and 990 Bloor Street West and 756 Dovercourt Road - Zoning By-law Amendment Application - Request for Directions

**Date:** November 19, 2019  
**To:** City Council  
**From:** City Solicitor  
**Wards:** Ward 9 - Davenport

#### **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.

The purpose of this report is to request further instructions for the Local Planning Appeal Tribunal hearing that is scheduled to commence on January 27, 2020.

#### **SUMMARY**

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The proposed Zoning By-law Amendment application for the subject site was appealed to the Local Planning Appeal Tribunal (the "**LPAT**") due to City Council's failure to make a decision on the application within the time prescribed by the Planning Act (the "**Appeal**").

The appealed application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit a 14-storey (12-storeys plus the mezzanine floor and mechanical penthouse/indoor amenity floor), 43-metre, mixed-use building for the properties at 980-990 Bloor Street West and 756 Dovercourt Road. The appealed application has a total gross floor area of 7,653 square metres, of which 6,993 square metres is residential consisting of 102 residential units, and a total density of approximately 7 times the area of the lot.

The appealed application also proposes a total of 43 resident parking spaces to be provided underground in a one-level semi-automated parking system. Vehicles will access the underground parking garage via two car elevators from the public lane.

Resident bicycle parking is also proposed below-grade, with a total of 128 spaces (12 visitor and 6 retail spaces).

On June 26, 2018, City Council directed the City Solicitor, along with appropriate staff, to oppose the application in its current form, and oppose the Appeal. City Council also directed that staff continue to work with the applicant and seek revisions to the application.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (November 19, 2019) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, Confidential Appendix "A", and Confidential Appendix "B" to the Report (November 19, 2019) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (November 19, 2019) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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A pre-application community consultation meeting was held on September 19, 2016 with the original owner and applicant, Westmoreland & Main Urban Properties Inc., to discuss the development concept, and a pre-application consultation meeting was held on February 2, 2017 to discuss complete application submission requirements. A pre-application working group meeting was held on March 21, 2017 to discuss the project in more detail.

The application was submitted on July 28, 2017 and on December 15, 2017, the original owner appealed the site specific Zoning By-law Amendment application to the former Ontario Municipal Board, now the LPAT, citing City Council's failure to make a decision on the application within the time period prescribed by the Planning Act.

A Request for Directions Report dated May 28, 2018 was adopted by City Council on June 26, 2018. The Request for Directions Report and City Council's Decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.13>

The subject site was sold to a new owner, Timbercreek 4Q Urban Redevelopment LP (Toronto), which has continued the LPAT Appeal.

## **COMMENTS**

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The purpose of this report is to request further instructions for the LPAT hearing that is scheduled to commence on January 27, 2020.

The City Solicitor requires direction on this matter in litigation.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Report from City Solicitor

Confidential Appendix "A" - Confidential Information

Confidential Appendix "B" – Confidential information on file with the City Clerk for the purpose of the November 26 and 27, 2019 City Council Meeting