



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **30 and 44 Zorra Street - Zoning Amendment Application - Further Request for Direction**

**Date:** June 17, 2020

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 3 - Etobicoke-Lakeshore

#### **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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In October 28, 2015, a Zoning By-law Amendment was submitted in regards to the land municipally known as 30 and 44 Zorra Street. On May 26, 2017, City Council's failure to make a decision was appealed to the Ontario Municipal Board, now known as the Local Planning Appeal Tribunal (the "LPAT").

On July 23, 2018, City Council adopted a recommendation from the City Solicitor to accept a settlement offer dated March 2, 2018 (the "Settlement Offer") from the applicant Zorra Developments Limited (the "Owner") and authorized the City Solicitor and appropriate City Staff to attend the LPAT hearing in support of the revised proposal of a 35-storey residential building, as detailed in the Settlement Offer. City Council also accepted an on-site parkland dedication, approved a development charge credit, and authorized the City Solicitor to enter into an agreement with the Owner pursuant to Section 37 of the Planning Act.

The LPAT issued a decision on December 6, 2018 approving the revised proposal and identifying that the final order of the LPAT would be withheld until a clearance letter had been received by the LPAT from the City Solicitor addressing a number of outstanding items, including that the City Solicitor has advised the LPAT that the proposed Zoning By-law Amendment is in a form satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor; the Chief Engineer had confirmed that all engineering matters have been addressed; and the Section 37 agreement has been executed.

On October 29th, 2019, the City Council adopted recommendations from the City Solicitor to support minor revisions to the proposal's residential unit count and vehicular parking count.

As was instructed by City Council on July 23, 2018, the Section 37 agreement is to secure, amongst other things, the future conveyance for public road purpose of approximately 733.4 square metres of land to the City for the future extension of Caven Street. In order for the future extension of Caven Street to meet the City's standards, at such time as the City requires the future Caven Street to be dedicated as a public highway, the road must either form part of a through public road connection to the west or, if the western connection is not achieved, it will alternatively be required to terminate at a properly-designed DIPS turning basin.

The approved proposal is to be accessed by way of the future extension of Caven Street.

The purpose of this report is to request further instructions.

City Planning and Corporate Real Estate Management have 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 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 Attachment 3, 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 and what is provided in the Confidential Attachment 1.

## **DECISION HISTORY**

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On April 5, 2016 the Etobicoke York Community Council adopted the Preliminary Report on the subject Zoning By-law Amendment Application for 30 and 44 Zorra Street. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY13.6>

On July 23, 2018, City Council adopted recommendations from the City Solicitor on the subject 30 and 44 Zorra Street - Zoning Amendment Application - Request for Directions Regarding Local Planning Appeal Tribunal Hearing. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.23>

On October 29, 2019, City Council adopted recommendations from the City Solicitor on the subject 30 and 44 Zorra Street - Zoning Amendment Application - Further Request for Direction. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC11.4>

## **COMMENTS**

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The City Solicitor requires further instructions. This report is about litigation before the LPAT 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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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information