



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **39 - 45 Thora Avenue - Zoning By-law Amendment and Site Plan Applications - Request for Directions Report**

**Date:** July 21, 2020

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 20 - Scarborough Southwest

#### **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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The purpose of this report is to seek further instructions for the Local Planning Appeal Tribunal (LPAT) hearing on the appeal of the Zoning By-law Amendment and site plan application for 39-45 Thora Avenue (the "Subject Site").

A four-day hearing is scheduled to commence on September 14, 2020. The City Solicitor requires further direction.

#### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the confidential recommendations are adopted by City Council, City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege.
3. Confidential Attachment 2 remain confidential.

## **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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The original Zoning By-law Amendment application was submitted on October 21, 2013, and deemed complete on November 14, 2013. A Preliminary Report on the application was adopted by Scarborough Community Council on February 25, 2014, authorizing staff to conduct a community consultation meeting. Scarborough Community Council's decision can be found at this web link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SC30.20>

The owners filed an appeal to the LPAT on April 11, 2018, under Case MM180031, due to Council's failure to decide on the applications within the time prescribed by the Planning Act. A pre-hearing conference was held on January 28, 2019, where the owners advised the LPAT and City staff that they would be resubmitting new plans showing 16 residential units.

On July 16, 2019, the owners submitted a revised application. On November 26 and 27, 2019, City Council in Item SC10.8 approved a Request for Directions Report submitted by Community Planning, Scarborough District directing the City Solicitor and appropriate City Staff to attend the LPAT to oppose the revised application. City Council's decision can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC10.8>

## **ISSUE BACKGROUND**

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### **Original Proposal**

The original application filed with the City on October 21, 2013, was to permit 10, three-storey townhouses at 39 - 45 Thora Avenue. Seven townhouses were to be located along the north portion of the site with an integral parking space for each dwelling unit accessed from the existing public lane via Thora Avenue. The remaining three townhouses were to be located to the south with parking in detached rear garages accessed from Lucy Avenue. One visitor parking space was proposed in front of each of the three detached garages, and two common visitor parking spaces were proposed for the seven townhouses off the public lane with access from Thora Avenue for a total of 15 parking spaces.

## **Revised Proposal - July 16, 2019**

On July 16, 2019, the owners submitted a revised application. This proposal increased the number of residential units from 10 to 16. The proposal included a 3-storey detached building containing 1 residential unit fronting onto Thora Avenue; a 3-storey townhouse block containing 5 residential units running perpendicular to Thora Avenue and fronting onto a private walkway; a 3-storey townhouse block containing 10 residential units, located behind the low-scale residential buildings on Thora Avenue and buildings (residential and commercial) on Sneath Avenue; and an underground parking garage containing 24 parking spaces, garbage /recycling room, storage area and an electrical room.

Detailed project information on this can be found on the City's Application Information Centre.

## **Revised Proposal - April 17, 2020**

The applicant submitted a revised with prejudice proposal on April 17, 2020. This proposal includes:

- the elimination of the single detached dwelling fronting Thora Avenue;
- reduction in the number of units from sixteen (16) to fifteen (15);
- 2,287.25 square metres of residential gross floor area (GFA), for a total site density of 1.18 floor space index (FSI); and
- each of the fifteen (15) townhouse units are three-storeys in height or approximately 9.64 metres to the top of the parapet.

The units in the April 17, 2020 revised proposal are organized in four (4) blocks as follows:

Block A (northwest corner of site) contains three (3) townhouse dwelling units and is oriented along Thora Avenue along with an entrance to the below-grade garage which is integrated into the northernmost unit of Block A;

Block B (northeast corner of site) contains five (5) townhouse dwelling units and is located along the public laneway perpendicular to Thora Avenue. These units would front onto the laneway;

Block C (located to the east) contains three (3) townhouse dwelling units and is oriented along a proposed pedestrian walkway parallel to Thora Avenue; and

Block D (located to the east) contains four (4) townhouse dwelling units and is also oriented along a proposed pedestrian walkway parallel to Thora Avenue.

This proposal incorporates a 5.2-metre gap between Blocks C and D. The third floor of each unit is stepped back from its rear in order to accommodate private outdoor amenity space.

The Revised Proposal includes a total of twenty-four (24) parking spaces inclusive of three (3) visitors' spaces, all of which are contained in a single level of underground parking that is accessed via a vehicular ramp that is integrated into Block A.

Detailed architectural drawings can be found in Attachment 1 to this report.

## **COMMENTS**

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This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 2 to this report contains confidential information.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Attachment 1 - With Prejudice Letter from Overland LLP dated April 17, 2020 and Architectural Drawings prepared by Studio Canoo Architecture dated April 16, 2020

Confidential Attachment 1 - Confidential Recommendations and Confidential Information.

Confidential Attachment 2 - Confidential Information