



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 2915-2917 Bloor Street West - Zoning Amendment Application - Request for Direction

Date: July 5, 2021

To: City Council

From: City Solicitor

Wards: Ward 3 – Etobicoke-Lakeshore

**Planning Application Number:** 16 141156 WET 05 OZ

#### 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 Owner of the property at 2915-2917 Bloor Street West (the Site) made an application to amend the Zoning By-law to permit an 8-storey mixed use building.

The application was appealed to the Ontario Municipal Board, subsequently the Local Planning Appeal Tribunal ("LPAT") and now continued as the Ontario Land Tribunal ("OLT"), citing Council's failure to make a decision within the prescribed timeframe in the Planning Act.

A contested LPAT hearing took place over 12 days between early June and early December, 2018. In a decision issued on May 19, 2019 (the Decision), the LPAT determined that the proposal was not appropriate for the Site. However, rather than dismissing the appeal outright, the Decision invited the applicant to revise the plans in consultation with the City and the South Kingsway Community Association (SKCA) for a building that better responds the applicable zoning by-law and guidelines.

In an effort to reach agreement on revised plans as contemplated in the Decision, at the request of the proponent, the parties have engaged in private mediation. As a result, the City Solicitor requires further direction from City Council. 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 Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, Confidential Attachment 2 and Confidential Attachment 3 to this report dated July 5, 2021 from the City Solicitor, if the confidential recommendations are 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 that is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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Adopting the recommendations in 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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### Preliminary Report

A Preliminary Report outlining the initial application for rezoning to permit an 8-storey mixed use development with commercial space at grade and 90 dwelling units above was considered by Etobicoke York Community Council on September 7, 2016. The Preliminary Report can be viewed at the following link:

<https://www.toronto.ca/legdocs/mmis/2016/ey/bgrd/backgroundfile-95484.pdf>

On January 16, 2017, the City Clerk received notification that the applicant had filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timelines in the Planning Act.

### Request for Directions Report

On May 24, 2017, City Council considered a Request for Directions Report dated April 21, 2017 and directed the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Ontario Municipal Board hearing to oppose the application for 2915-2917 Bloor Street West in its then current form (9 storeys). City Council also provided direction to staff to defend the Bloor Kingsway Avenue Study at the hearing, and to continue negotiations with the applicant with the goal of developing a proposal that addressed the issues outlined in the report (April 21, 2017) from the

Director, Community Planning, North York District. City Council's Decision is found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY22.1>

### **Local Planning Appeal Tribunal and Related Proceedings**

A contested LPAT hearing took place over 12 days between early June and early December, 2018. In the resulting Decision, the LPAT determined that the proposal was not appropriate for the Site. However, rather than dismissing the appeal outright, the Decision invited the applicant to revise the plans in consultation with the City and the South Kingsway Community Association (SKCA) for a building with up to 6 storeys, plus rooftop structures, that would respond to the angular planes and setbacks called for in the applicable zoning by-law and guidelines.

The applicant subsequently filed a request for review of the Decision and a notice of motion for leave to appeal the Decision to the Divisional Court. The request for review was denied by the Tribunal in February 2020, and the motion for leave to appeal has not yet been perfected.

### **COMMENTS**

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A detailed review of the site and surrounding area, as well as the applicable policy context can be found in the report (April 21, 2017) from the Director, Community Planning, North York District.

This report is about litigation before the Ontario Land Tribunal and the court and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachments 1, 2 and 3 to this report contain confidential information 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