

287 Davenport Road and 141-145 Bedford Road - Official Plan and Zoning Amendments - Request for Directions Regarding Ontario Land Tribunal Hearing

Date: July 5, 2021

To: City Council

From: City Solicitor

Wards: Ward 11 - University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On November 1, 2019, the City received an application to amend the Official Plan and Zoning By-law to permit a 15-storey mixed use building, 53.67 meters in height plus a 5 meter mechanical penthouse at 287 Davenport Road and 141-145 Bedford Road.

In a report to City Council dated November 16, 2020, City Planning recommended refusal of the application (the "Planning Report"). City Planning concluded in the Planning Report that the proposed height and massing were not appropriate for the subject site and directed that the City Solicitor oppose the applications at the Local Planning Appeal Tribunal, as it then was.

The applicant appealed City Council's decision to the then Local Planning Appeal Tribunal, now the Ontario Land Tribunal (the "Tribunal" or the "OLT") on April 21, 2020.

The City subsequently received plans and reports to reflect the Revised Proposal on April 9, 2021, the last day according to the Tribunal's Procedural Order on which the applicant could revise its proposal without consent of all parties.

The purpose of this report is to request further instructions for the OLT hearing that is scheduled to commence July 26, 2021.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
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 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

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its meeting of November 26 2020, City Council adopted the recommendations in Item TE 20.6, refusing an Official Plan Amendment and Zoning By-law Amendment Application at 287 Davenport Road and 141-145 Bedford Road.

A copy of the Refusal Report is available on the City's website at:

[Agenda Item History - 2020.TE20.6 \(toronto.ca\)](#)

The owner appealed the Official Plan Amendment and Zoning By-law Amendment application to the Tribunal on April 21, 2020.

A two-week hearing is scheduled to commence July 26, 2021. The revised architectural drawings are attached as Public Attachment 1. A chart comparing the revised application with the previous application is attached as Public Attachment 2.

COMMENTS

The City Solicitor requires further instructions. This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

Gabe Szobel, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-1889; Fax: (416) 397-564; Email: gabe.szobel@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment 1 - Revised Architectural Plans, Drawings and Revised Elevation Drawings

Public Attachment 2 - Comparison Metrics

Confidential Attachment 1 - Confidential Recommendations and Confidential Information