

10-30 Dawes Road - Zoning By-law Amendment Application - Request for Direction Regarding Ontario Land Tribunal Hearing

Date: July 7, 2021

To: City Council

From: City Solicitor

Wards: Ward 19 - Beaches-East York

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On March 11, 2019, a Zoning By-law Amendment application (the "**Application**") was submitted for the property at 10-30 Dawes Road to permit two towers atop a shared base building comprising residential, retail, office and day care uses. The north tall building would be 24 storeys, and the south tall building would be 41 storeys. Together a total of 616 units were proposed with a total gross floor area of 47,469 square metres.

On November 6, 2020, the applicant appealed the application to the Ontario Land Tribunal (the "**OLT**") (known then as the Local Planning Appeal Tribunal), citing Council's failure to make a decision within the statutory timeframe. The OLT conducted the first Case Management Conference in the proceedings by video hearing on March 19, 2021 at which point the OLT scheduled a second Case Management Conference for July 28, 2021 and a 15 day hearing beginning January 24, 2022.

The purpose of this report is to request further instructions for the purposes of the OLT Case Management Conference and hearing.

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, and Confidential Appendices A to C, only at the City Solicitor's discretion, 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.

FINANCIAL IMPACT

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

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on April 24, 2019 requesting staff to hold a community consultation meeting. The Preliminary Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE5.29>

On December 17, 2019, City Council adopted Official Plan Amendment 478 (OPA 478) as the result of the Main Street Planning Study. OPA 478 unlocks intensification, including tall buildings, within the study area through the achievement of a new road network, new parks and open spaces, and new and improved community services and facilities. The final report and OPA 478 can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.4>

On March 10, 2021, City Council adopted a Request for Direction Report directing the City Solicitor, together with appropriate staff, to attend the OLT hearing to oppose the Application for the reasons set out in the February 5, 2021 Request for Direction Report from the Director, Community Planning, Toronto and East York District (the "**Request for Direction**"). City Council also authorized City staff to continue discussions with the applicant to address the issues set out in the Request for Direction, including site organization, built form, public realm, the inclusion of additional non-residential space, and appropriate benefits to be secured pursuant to Section 37 of the Planning Act. The City Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE23.27>

On May 12, 2021, the Toronto Preservation Board considered a Request for Direction Report from the City Solicitor, which recommended that City Council state its intention

to designate the properties the properties at 10 and 10A Dawes Road under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 10 and 10A Dawes Road (Reasons for Designation) attached to the report (April 28, 2021) from the City Solicitor. This item will be considered by City Council at its meeting on July 14 and 15, 2021. The Toronto Preservation Board item is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PB24.1>

COMMENTS

This report has been prepared in consultation with staff from City Planning including Community Planning and Urban Design Staff, and other Divisional Staff.

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" to Confidential Attachment 1 - Confidential Information

Confidential Appendix "B" to Confidential Attachment 1 - Confidential information

Confidential Appendix "C" to Confidential Attachment 1 - Confidential information