



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 1460 Victoria Park Avenue - Zoning By-law Amendment Application - Request for Directions

Date: September 23, 2021

To: City Council

From: City Solicitor

Wards: Ward 16 - Don Valley East

#### 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.

The purpose of this report is to request further instructions for an ongoing matter before the Ontario Land Tribunal (the "OLT").

#### SUMMARY

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Subsequent to the July 4, 2018 preliminary report, the application was revised to propose a nine storey (27 metre) residential building with retail on the ground floor. The unit count has increased from 106 to 114 residential dwelling units with 53.4 square metres of retail space proposed at grade. The building is proposed to be comprised of 4 studio units, 79 one bedroom units, 22 two bedroom units, 9 three bedroom units and 1 at-grade retail unit. The proposed building gross floor area (GFA) is 9,921 square metres with a floor space index (FSI) of 4.19 times the area of the lot and lot coverage of 51.6 percent of the lot area.

In accordance with the Procedural Order issued by the OLT, the Owner filed revised plans and drawings proposing a revised application. The most recent revised application proposes to redevelop the lands with an 11-storey residential building containing a total of 116 dwelling units. A small non-residential space is proposed at grade fronting onto Victoria Park Avenue.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Zoning By-law Amendments (the "**Appeal**") to the Local Planning Appeal Tribunal (the "**LPAT**"), now the OLT, on June 12, 2020.

On May 5 and 6, 2021, City Council directed the City Solicitor, along with appropriate staff, to oppose the applications, in their current form, and oppose the Appeal. City Council also directed that staff continue to work with the applicant and seek revisions to the applications and report back to City Council on the outcome of those discussions.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (September 23, 2021) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Appendix "A" and Confidential Appendix "B" to the report (September 23, 2021) from the City Solicitor, if adopted by City Council, at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (September 23, 2021) from the City Solicitor 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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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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A Preliminary Report on the application was adopted by North York Community Council on July 4, 2018 authorizing staff to conduct a community consultation meeting. The Preliminary Report is available via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.26>

One of the recommendations in the Final Report for the Golden Mile Secondary Plan directed the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, to initiate a Municipal Class Environmental Assessment Study for the Golden Mile area, which will include options for potential modifications to Bartley Avenue/O'Connor Drive and consider comments received from area landowners and residents. The proposed road realignment could impact the North York District and the subject site at 1460 Victoria Park Avenue. The Final Report can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC18.1>

On October 27, 2020 Scarborough Community Council adopted the Golden Mile Secondary Plan (the "Secondary Plan") and associated amendments in Official Plan Amendment ("OPA") No. 499.

At its meeting of May 5 and 6, 2021, City Council adopted the recommendations in a Request for Directions Report dated March 15, 2021 from the Acting Director, Community Planning, North York District, to oppose the appeal respecting the Zoning By-law Amendment Application at the LPAT in their then current form for the lands at

1460 Victoria Park Avenue. The recommendations also authorized the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the March 15, 2021 Request for Directions Report. City Council's consideration and the Request for Directions Report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY23.3>

## **Ontario Land Tribunal Appeal**

On June 12, 2020, the applicant appealed the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (now the Ontario Land Tribunal), citing Council's lack of decision on the applications within the time frame specified in the Planning Act. A Case Management Conference was held on February 23, 2021 and May 25, 2021. A Hearing was scheduled for ten (10) days commencing on January 10, 2021.

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about litigation before the OLT 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 City Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Report from City Solicitor  
Confidential Appendix "A" - Confidential Information  
Confidential Appendix "B" - Confidential Information