



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

10-32 Raglan Avenue - Zoning By-law Amendment Application - Ontario Land Tribunal Hearing - Request for Further Directions

Date: January 25, 2022

To: City Council

From: City Solicitor

Wards: Ward 12 - Toronto-St. Paul's

REASON FOR CONFIDENTIAL INFORMATION

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

The purpose of this report is to request further instructions for a hearing scheduled to commence on June 6, 2022 before the Ontario Land Tribunal (the "**OLT**" or "**Tribunal**").

SUMMARY

Madison Group (the "**Applicant**" or "**Owner**") has applied for a Zoning By-law Amendment (the "**Application**") for the property municipally known as 10 – 32 Raglan Avenue (the "**Site**" or "**Subject Site**").

On June 12, 2020, the Applicant initially submitted its Application to amend Zoning By-laws 438-86, 1-83, and 569-2013 for the Site in order to permit a 28-storey (100.2 metres including mechanical penthouse) residential building with 14 grade-related townhouse units, and a proposed density (floor space index) of 10.24 times the area of the lot (the "**Original Proposal**").

The City Planning Division prepared a Preliminary Report for Toronto and East York Community Council's consideration, being Item TE 18.39, identifying a preliminary set of issues regarding the Application. Community Council recommended that City staff schedule a community consultation meeting regarding the Application, and that notice about the meeting be given to landowners and residents within 240 metres of the Site.

On March 30, 2021 the Applicant appealed the Application to the Ontario Land Tribunal (the "**Tribunal**") for non-decision by City Council (the "**Appeal**").

An OLT hearing for this matter is scheduled for ten days commencing on June 6, 2022. In addition to the City and the Applicant, 538 St. Clair Avenue West Ltd. ("**538 St. Clair**"), and Merkur Realty (1993) Limited ("**Merkur Realty**") are parties to the Appeal.

The City Solicitor requires further instructions at the upcoming City Council meeting on February 2 and 3, 2022 due to upcoming hearing disclosure deadlines regarding this Appeal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in the Confidential Attachment 1 to the report (January 25, 2022) from the City Solicitor.
2. If the City Solicitor's confidential recommendations are adopted by City Council, then City Council authorize the public release of:
 - a. The recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege); and
 - b. All of Confidential Appendix 1 and Confidential Appendix 2

FINANCIAL IMPACT

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

On September 16, 2020, Toronto and East York Community Council considered and adopted the recommendations of a Preliminary Report from City Planning regarding the Application as Item TE18.39. In its decision, Community Council authorized City staff to conduct a community consultation meeting regarding the Application. The Preliminary Report and Community Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.39>

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. The City Solicitor requires direction in this matter prior to the conclusion of the February 2 and 3, 2022 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 – Confidential Report from the City Solicitor
2. Confidential Appendix 1 – Confidential Information
3. Confidential Appendix 2 - Confidential Information