

63-91 Montclair Avenue – Zoning By-law Amendment - Request for Direction Regarding Ontario Land Tribunal Hearing

Date: January 26, 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.

SUMMARY

On June 26, 2020, a Zoning By-law Amendment and Rental Housing Demolition Application were submitted to demolish the existing buildings at 63-91 Montclair Avenue (the "**Site**") and to allow two new residential buildings at 21 and 23-storeys with a shared 5 and 8-storey base building (the "**Application**"). The Application proposes a gross floor area of 39,003 square metres, which would result in a Floor Space Index of 11.3 times the area of the Site.

On December 23, 2020, the Applicant appealed the Zoning Amendment Application to the Ontario Land Tribunal ("**OLT**"), due to Council not making a decision within the 90-day time frame in the Planning Act. A hearing is scheduled to commence on April 12, 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 and B, 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 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 was adopted by Toronto and East York Community Council on September 16, 2020 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.38>

On May 5 and 6, 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 March 25, 2021 Request for Direction Report from the Director, Community Planning, Toronto and East York District (the "**Request for Direction**"). The City Council decision is available at:

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

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