



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 954, 956 and 958 Broadview Avenue and 72 Chester Hill Road – Official Plan and Zoning Amendment Application - Request for Directions Report

**Date:** March 29, 2022

**To:** City Council

**From:** City Solicitor

**Ward:** Toronto-Danforth - Ward 14

### **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.

### **SUMMARY**

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On February 16, 2018, an Official Plan Amendment was submitted to permit an 18 storey seniors residence with a total gross floor area (GFA) of 21,644 square metres resulting in a density of 4.57 times the area of the lot. The application was deemed incomplete on March 14, 2018. In response, the applicant submitted the plans and studies requested to complete the Official Plan Amendment application and also submitted a Zoning By-law Amendment application. Both applications were deemed complete on March 14, 2019.

On November 23, 2020, City Planning received a revised proposal from a new landowner. The revised proposal was to facilitate the construction of a 16 storey predominantly residential building with 223 dwelling units and one retail space at 954, 956 and 958 Broadview Avenue and 72 Chester Hill Road.

On July 20, 2021, the applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 120-day time frame in the Planning Act.

The purpose of this report is to request further instructions for the OLT hearing that is scheduled to commence on October 31, 2022.

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

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and Confidential Appendices A and B, at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential, as it contains advice which is subject to solicitor-client privilege and litigation privilege.

## **FINANCIAL IMPACT**

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The City Solicitor confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year, or in future years.

## **DECISION HISTORY**

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On June 7, 2016, City Council adopted Site and Area Specific Policy 509 (SASP 509) relating to Broadview Avenue between Danforth Avenue and O'Connor Drive. SASP 509 was subsequently appealed to the Local Planning Appeal Tribunal (LPAT). On August 15, 2018, the LPAT approved SASP 509 except for three site-specific appeals, including this site. Council's decision on SASP 509 can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE16.5>

A preliminary report was adopted by Toronto and East York Community Council on April 24, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification boundary. The decision of Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE5.32>

An Update Report regarding the revised proposal from the new landowner was adopted by Toronto and East York Community Council on February 24, 2021 authorizing staff to conduct a community consultation meeting to present the revised application. The decision of Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE23.55>

At its meeting of November 9, 10 and 12, 2021, City Council considered the City Planning staff report, being Item TE28.8 and adopted the recommendations instructing the City Solicitor to oppose the Application. The decision of City council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE28.8>

## **COMMENTS**

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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**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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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