

958 Broadview Avenue – Request for Directions Report

Date: March 22, 2022

To: The Toronto Preservation Board and City Council

From: City Solicitor

Wards: Toronto-Danforth - Ward 14

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

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

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to the report (March 22, 2022) from the City Solicitor;
2. City Council authorize the public release of the recommendations in Confidential Attachment 1 and Confidential Appendix "A", Confidential Appendix "B", and Confidential Appendix "C" 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

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

DECISION HISTORY

Designation of the Property

The property at 958 Broadview Avenue has been designated under Part IV, Section 29 of the Ontario Heritage Act. City Council stated its intention to designate the properties during its meeting of October 5, 6, and 7, 2016 and passed City of Toronto By-law 719-2017 designating the property on July 7, 2017.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.15>

Related Development Applications

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 OLT due to Council not making a decision within the 120-day time frame in the Planning Act.

City Council directed the City Solicitor and staff to appear at the Tribunal in opposition to the application to amend the zoning by-law and to work with the owner to resolve matters identified in the report prepared by the Director of Community Planning, Toronto & East York District.

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

COMMENTS

The Designated Property

The subject site contains the former Chester Public School, now known as Estonian House. The former Chester Public School has cultural heritage value as a representative example of a late 19th century village school combining the American Richardsonian Romanesque and British Queen Anne styles. The original school building, completed in 1891, was a two-and-a-half storey, red-brick building with a bell tower on its south-east corner. The roof of the bell tower was removed prior to 1953. Following its purchase by Estonian House in 1960, a single storey addition including a new entrance and hall was constructed in 1962-3 to the west rear elevation. A four-storey addition on the east front elevation was completed in 1975 and an addition for barrier-free access was constructed on the north side elevation in 1995. The 1962-3, 1975 and 1995 additions are not included in the heritage attributes.

Adjacent Heritage Property - 927-931 Broadview Avenue

The property at 927-931 Broadview Avenue is located across the street from the subject site at the intersection of Broadview and Fulton Avenues and is listed on the City's Heritage Register. The property contains a rare house-form building with three separate units that takes advantage of its corner location to have entrances on two adjacent streets. The building exhibits the complexity and picturesque elements of the Arts and Craft style.

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 privilege. Confidential Attachment 1 to this report contains confidential advice and it should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information

Confidential Appendix A - Confidential Information

Confidential Appendix B - Confidential Information

Confidential Appendix C - Confidential Information