

875 The Queensway – Zoning By-law Amendment Application – Request for Directions Regarding Ontario Land Tribunal Hearing

Date: May 2, 2022

To: City Council

From: City Solicitor

Wards: Ward 3 – Etobicoke-Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

SUMMARY

Format Queensway Limited Partnership (the "Applicant") is the owner of the property municipally known as 875 The Queensway (the "Subject Site"), located approximately mid-block between Plastics Avenue and Canmotor Avenue, on the south side of The Queensway. The Subject Site is currently vacant, but was previously used for a gas station and car wash. To the east of the Subject Site is an 11-storey residential building that is currently being constructed, and to the west of the Subject Site is a 1-storey commercial building.

On March 22, 2021, the Applicant submitted a Zoning By-law Amendment application to amend the former City of Etobicoke Zoning Code (Site Specific Zoning By-law No. 514-2003) (the "Application") to permit the redevelopment of the Subject Site with a 14-storey mixed-use building containing 183 residential units and 185 square metres of non-residential gross floor area at grade (the "Development"). The proposed Development would have a Floor Space Index ("FSI") of 6.61 times the area of the lot and an overall Gross Floor Area ("GFA") of 13,923 square metres. A total of 159 vehicular parking spaces are proposed in a three-level below-grade garage and 138 bicycle parking spaces are also proposed on-site.

On June 4, 2021, the Applicant appealed the Application to the Ontario Land Tribunal (the "OLT") due to the City's failure to make a decision within the prescribed time period set out in the *Planning Act*. The appeal is known as OLT File OLT-21-001071.

To date, the OLT has held one case management conference on November 16, 2021. In addition to the City and the Applicant, Costco Wholesale Canada Ltd. ("Costco") is also a party to the appeal. Costco owns and operates a commercial warehouse membership club store to the south-east of the Subject Site.

The appeal is currently scheduled to be heard by the OLT during a 7-day hearing on October 3 to 12, 2022.

The purpose of this report is to request further instructions regarding the OLT appeal and upcoming hearing.

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

RECOMMENDATIONS

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 to this report, if adopted by City Council.
3. City Council authorize public release of Confidential Attachments 2 and 3 to this report, if the confidential recommendations contained in Confidential Attachment 1 are adopted by City Council.
4. City Council direct that all other information contained in Confidential Attachment 1 to remain confidential at the discretion of the City Solicitor, as it contains advice subject to solicitor-client 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

On May 17, 2021, Etobicoke York Community Council considered and adopted the recommendations of a Preliminary Report (Item EY24.12) by City Planning regarding the Applicant's Zoning By-law Amendment application. In the Preliminary Report,

Etobicoke York Community Council directed staff to conduct community consultation on the Applications. A copy of Etobicoke York Community Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EY24.12>

COMMENTS

The City Solicitor requires further instructions regarding the OLT appeal. 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 information and should be considered by Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information