



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1045-1049 The Queensway – Zoning By-law Amendment Application – Request for Further Directions Regarding Ontario Land Tribunal Hearing

Date: May 3, 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

Queenlaw Development Limited (the "Applicant") is the owner of the property municipally known as 1045-1049 The Queensway (the "Subject Site"), located on the south side of The Queensway, between St. Lawrence Avenue and Dorchester Avenue. The Subject Site was previously occupied by two 1-storey commercial buildings. To the south of the subject site are industrial buildings located with a Core Employment Areas designation and the Class 1 Industrial Zone.

On January 18, 2018, 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 (46 metres, plus an additional 6 metres for the mechanical penthouse) mixed-use building (the "Development"). The base building has a height of 6-storeys (21 metres). The building would have a U-shape configuration and would have an approximate separation distance between the interior building faces of 27.6 metres with balconies facing the interior. The Development is proposed to have a Gross Floor Area ("GFA") of 26,114 square metres (of which 613 square metres would be commercial space) for a total Floor Space Index ("FSI") of 6.67 times the area of the lot. The Development includes 325 residential dwelling units consisting of 186 one-bedroom units (57 percent), 106 two-bedroom units (33 percent) and 33 three-bedroom units (10 percent). A total of approximately 628 square metres of indoor amenity space would be located on the second and third floors and 675 square metres of outdoor amenity space would

be located on the 3rd floor. A total of 330 parking spaces are proposed in three levels of underground parking.

On January 7, 2020, the Applicant appealed the Application to the Local Planning Appeal Tribunal (the "LPAT"), now 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 PL210053.

To date, the OLT has held one case management conference on June 23, 2021.

The appeal is currently scheduled to be heard by the OLT during a 10-day hearing on July 25 to August 5, 2022.

The purpose of this report is to request further instructions regarding the OLT appeal and upcoming 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 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 April 4, 2018, Etobicoke York Community Council considered and adopted the recommendations of a Preliminary Report (Item EY29.8) 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 and to expand the notice area to landowners and residents within 500 metres of the site. 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=2018.EY29.8>

On June 8, 2021, City Council considered and adopted the recommendations of a Request for Directions Report (Item EY24.6) by City Planning regarding the OLT appeal of the consolidated zoning by-law amendment Application for the Subject Site. City Council instructed the City Solicitor and City staff to attend the OLT to oppose the Application in its current. City Council also instructed the City Solicitor to continue discussions with the Applicant in an attempt to resolve the outstanding issues with the Development proposal. A copy of City Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EY24.6>

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