



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1134-1140 Yonge Street – Official Plan and Zoning By-law Amendment Application - Ontario Land Tribunal Hearing – Supplementary Request for Further Directions

Date: May 10, 2022

To: City Council

From: City Solicitor

Wards: Ward 11 – University – Rosedale

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The purpose of this report is to request further instructions for a hearing scheduled to commence on July 4, 2022 before the Ontario Land Tribunal (the "**OLT**" or "**Tribunal**").

Devron Developments (the "**Applicant**" or "**Owner**") has applied for an Official Plan and Zoning By-law Amendment (the "**Application**") for the property municipally known as 1134 – 1140 Yonge Street (the "**Site**" or "**Subject Site**").

On September 2, 2020, the Applicant initially submitted its Application to amend Zoning By-laws 438-86 and 569-2013, as well as the Official Plan, for the Site in order to permit a 13-storey (52 metres including a 5-metre mechanical penthouse) mixed-use building consisting of 66 units, and a proposed density (floor space index) of 6.10 times the area of the lot (the "**Original Proposal**"). The proposed building is within two land-use designations; those being Mixed Use Areas along Yonge Street and Neighbourhoods to the west of the Site. The Application proposes to retain and alter the 1-storey commercial building located at 1140 Yonge Street, which is currently listed on Toronto's Heritage Register, and the 3-storey mixed-use building at 1134 Yonge Street.

The City Planning Division prepared a Preliminary Report for Toronto and East York Community Council's consideration, being Item TE 20.19, identifying a preliminary set of issues regarding the Application (the "**Preliminary Report**"). Community Council adopted the Preliminary Report's recommendations which directed City staff to schedule a community consultation meeting regarding the Application with an expanded notice area.

On January 6, 2021 the Applicant appealed the Application to the Ontario Land Tribunal for non-decision by City Council (the "**Appeal**").

An OLT hearing for this matter is scheduled for twelve days commencing on July 4, 2022. In addition to the City and the Applicant, ABC Residents Association ("**ABCRA**"), Mr. Frank Copping, BRL Realty Corporation ("BRL Realty"), and Diamond Corporation are parties to the Appeal.

The City Solicitor requires further instructions at the upcoming City Council meeting on May 11, 2022 due to upcoming hearing disclosure deadlines regarding this Appeal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council delete the Confidential Attachment 1, including all confidential recommendations, to the report (May 4, 2022) from the City Solicitor and adopt instead the following:

1. City Council adopt the confidential recommendations in Confidential Attachment 1 to the Supplementary Report (May 10, 2022) from the City Solicitor.

2. If the City Solicitor's confidential recommendations in Confidential Attachment 1 to the Supplementary Report (May 10, 2022) are adopted by City Council, then City Council authorize the public release of:

a. The recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege); and

b. All of Confidential Appendix 1 and Confidential Appendix 2.

2. City Council direct that Confidential Attachment 1 to the report (May 4, 2022) from the City Solicitor remain confidential as it contains information that is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

On November 16, 2020, Toronto and East York Community Council considered and adopted the recommendations of a Preliminary Report from City Planning regarding the Application as Item TE 20.19. In its decision, Community Council authorized City staff to conduct a community consultation meeting, with an expanded notification area, regarding the Application. The Preliminary Report and Community Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE20.19>

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. The City Solicitor requires direction in this matter prior to the conclusion of the May 11, 2022 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 – Confidential Report from the City Solicitor
2. Confidential Appendix 1 – Confidential Information
3. Confidential Appendix 2 - Confidential Information