



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

36 - 44 Eglinton Avenue West - Official Plan Amendment and Zoning By-law Amendment Application - Request for Directions Supplementary Report

Date: June 9, 2022

To: City Council

From: City Solicitor

Wards: 8 - Eglinton-Lawrence

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The purpose of this supplementary report is to request further instructions for the Ontario Land Tribunal ("**OLT**") hearing into this matter currently scheduled to commence on September 23, 2022, for 3 weeks. The applicant appealed the proposed Official Plan Amendment and Zoning By-law Amendment Applications for 36-44 Eglinton Avenue West to the OLT due to Council's refusal on the applications within the time prescribed by the Planning Act.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Supplementary Report (June 9, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, Confidential Appendix "A" and Confidential Appendix "B" to the Supplementary Report (June 9, 2022) from the City Solicitor, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to the Supplementary Report (June 9, 2022) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information which 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

A Zoning By-law Amendment Application for the current 65-storey proposal (File 20 165466 NNY 08 OZ) was submitted to City Planning on July 9, 2020 and was deemed complete as of July 13, 2020. On October 7, 2020, North York Community Council received a Refusal Report on the application dated September 18, 2020, which was adopted by City Council on October 27, 28 and 30, 2020.

The applicant did not appeal Council's decision to refuse the application to the OLT within 20 days of the Notice of Decision being issued, nor were any other appeals received on the previous application. Zoning By-law Amendment Application 21 101581 NNY 08 OZ was subsequently submitted to the City on January 12, 2021 and remained unchanged from Application 20 165466 NNY 08 OZ.

On March 10, 2021, City Council adopted a Refusal Report on the Zoning By-law Amendment application dated February 4, 2021. The City Council Decision may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY22.4>

On November 3, 2021, the applicant submitted an Official Plan Amendment application to exempt the subject site from the requirement in the Yonge-Eglinton Secondary Plan to replace the existing office gross floor area, as detailed in Policy 2.5.4 of the Secondary Plan.

On February 2, and 3, 2022, City Council refused the Official Plan Amendment application in adopting the Refusal Report dated December 2, 2021. The City Council Decision may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY29.6>

The OLT held one case management conference on March 17, 2021, during which it scheduled a 15-day hearing, to commence on September 13, 2022.

A Report from the City Solicitor is before City Council at its meeting commencing June 15, 2022 on the same matter.

COMMENTS

The City Solicitor requires further instructions on this matter. This supplementary report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this supplementary report contains confidential advice and should be considered by City 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