

## **1 Dean Park Road – Zoning By-law Amendment - OLT Appeal - Request for Direction**

**Date:** July 8, 2022

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 25 - Scarborough-Rouge Park

### **REASON FOR CONFIDENTIAL INFORMATION**

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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**

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On August 5, 2015, a Zoning By-law Amendment application was submitted to the City to permit two 14-storey rental apartment buildings on an existing apartment site containing a 16-storey building which includes a 2-storey townhouse podium and a free-standing block of townhouses for 1 Dean Park Road (the "Original Proposal"). Subsequently the applicant appealed the Zoning By-Law Amendment application to the former Local Planning Appeal Tribunal citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. Case Management Conferences were held at the Ontario Land Tribunal (OLT) on November 16, 2020, April 26, 2021 and March 8, 2022, and the OLT has scheduled a 10-day hearing commencing on January 9, 2023.

On June 17, 2022 plans for a revised development proposal (the "Revised Proposal") were submitted to the City in response to concerns of City Staff on the Original Proposal. The Revised Proposal is for a 17 storey building (222 units) on the east side of the site fronting Meadowvale Road and an 8 storey building (129 units) on the west side of the site fronting Dean Park Road. The proposed buildings are intended to be rental units. As with the Original Proposal, the existing apartment building and townhouse podium are to be retained, and the proposed development would bring the

total number of units on site to 622. Plans and drawings for the Revised Proposal are contained in Public Appendix 1.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of 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).

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the confidential recommendations.

## **DECISION HISTORY**

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A Preliminary Report on the application was adopted by Scarborough Community Council on February 23, 2016 authorizing staff to conduct a community consultation meeting with an expanded notification area. The Community Council decision and Preliminary Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.SC12.19>

## **COMMENTS**

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The Original Proposal was for two 14-storey rental apartment buildings on an existing rental apartment site containing a 16-storey building and a free-standing block of townhouses. The two 14-storey buildings were to contain 355 new apartment units, bringing the total number of units on the site to 626. The total gross floor area, including the retained apartment building and townhouse block, was approximately 49,561 square metres or 3.02 times the lot area. A total of 583 square metres of indoor amenity space was proposed on the ground floor of each new building and a total of 886 square metres of shared outdoor amenity was proposed. All indoor and outdoor amenity areas were to be accessible to existing and new residents.

The Preliminary Report set out staff's concerns with the development proposal. Those concerns included:

- Conformity with the appropriate Council-approved building guidelines;
- Evaluation of appropriate separation distances between existing and proposed buildings to ensure sunlight, skyview and privacy;
- Evaluation of the potential impacts on adjacent streets, surrounding properties and open space, including wind, sky views and shadows, in particular shadows on the existing on-site amenity area;
- Evaluation of traffic impact, public and private access, on-site circulation and parking;
- Appropriateness of the overall site organization including the proposed location of loading and garbage collection areas, directly visible to the adjacent outdoor amenity areas;
- Identification and securing of improvements and/or renovations to the existing rental building; and
- Evaluation of parkland dedication requirements.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting which starts on July 19, 2022.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Report from the City Solicitor
2. Public Appendix 1 - Revised Plans and Drawings