



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3180, 3182, 3184, 3186, 3188, 3190, 3192, 3194, 3196, 3198, 3200 and 3202 Yonge Street - Zoning By-law Amendment Application - Request for Direction Report

Date: July 8, 2022

To: City Council

From: City Solicitor

Wards: 8 - Eglinton Lawrence

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The purpose of this report is to request further instructions for the Ontario Land Tribunal ("OLT") hearing into this matter currently scheduled to commence on January 16, 2023 for ten days. The applicant appealed the proposed Zoning By-law Amendment Application for 3180-3202 Yonge Street to the OLT, due to Council's failure to make a decision on the application 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 Report (July 8, 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 Report (July 8, 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 Report (July 8, 2022) from the City Solicitor is to remain confidential, 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

On November 3, 2020, a Zoning By-law Amendment application was submitted for a new 12-storey (41.1 metre height) mixed use building comprising 11,939.4 square metres of residential gross floor area and 614.9 square metres of commercial gross floor area. The residential component of the proposed building included 109 dwelling units with the following unit breakdown: 15 1-bedroom (14 percent), 82 2-bedroom (75 percent) and 12 3-bedroom (11.0 percent). The total gross floor area of the proposed development was 12,554.3 square metres, representing a floor space index of 6.51 times the lot area. The application was deemed complete on January 5, 2021.

A Preliminary Report was adopted by North York Community Council on March 1, 2021, authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of North York Community Council can be found here: <http://app.toronto.ca/tmmis/view/AgendaItemHistory.do?item=2021.NY22.9>

On May 31, 2021, the applicant made a revised submission for the Zoning By-law Amendment application to propose a 12-storey (41.1 metre height) mixed use building comprised of 11,622.5 square metres of residential gross floor area and 613.3 square metres of at-grade commercial space. The residential component of the revised proposal contained 109 dwelling units with the same unit breakdown as the original proposal. With a total gross floor area of 12,235.8 square metres, the floor space index of the revised proposal was 6.36 times the lot area. The proposed ground floor height was 4.5 metres.

An application for Site Plan Control Approval was submitted on June 2, 2021.

On June 4, 2021, the applicant appealed to the Ontario Land Tribunal (the "**OLT**") due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

On November 9, 2021, City Council adopted a Request for Direction report from the Acting Director, Community Planning, North York District, and directed the City Solicitor together with appropriate City staff to attend the OLT to oppose the Zoning By-law Amendment application in its current form and to continue discussions with the applicant to resolve issues outlined in the report. The Decision of City Council may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY27.6>

The OLT conducted a first case management conference on March 9, 2022, during which it granted party status to the Lytton Park Residents' Association and the Bedford Park Residents Organization. The OLT has scheduled second Case Management Conference for July 29, 2022. A ten-day hearing is also scheduled to commence on January 16, 2023.

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information