

41-75 Four Winds Drive - Zoning By-law Amendment Application - Request for Directions

Date: May 4, 2022

To: City Council

From: City Solicitor

Wards: Ward 7 - Humber River - Black Creek

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 the Ontario Land Tribunal (the "OLT" or the "Tribunal") hearing which is currently scheduled to commence on September 26, 2022.

The Applicant submitted a zoning by-law amendment application on December 9, 2020, which proposed to permit one residential building of 11-storeys (41 metres including the mechanical penthouse) being Building B with a floor plate of 1,159 square metres, and two mixed-use buildings of nine and 32-storeys (35.1 metres and 105.6 metres respectively including the mechanical penthouses). The nine-storey building, being Building C, would have a floor plate of 994 square metres. The 32-storey building, being Building A, would have a floor plate of 778 square metres. The proposed buildings would result in a gross floor area of 43,745 square metres consisting of 42,323 square metres for residential use, resulting in 560 dwelling units, and 1,422 square metres for retail uses. A Floor Space Index of 4.1 times the area of the lot was proposed.

The Applicant subsequently appealed the application to the OLT. At its meeting on December 15, 2021, City Council directed staff to attend at the OLT and oppose the application.

The key issues identified by City staff at the OLT lead mediation were built form, with incidental issues relating to public realm, and reducing vehicular and loading conflicts at-grade.

The matter is set down for a ten day OLT hearing commencing on September 26, 2022.

This report contains advice from the City Solicitor and requests further direction in relation to the hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the City Solicitor Report dated May 4, 2022.
2. City Council authorize the public release of Confidential Attachments 2 and 3 to the City Solicitor's report dated May 4, 2022 and the recommendations contained in the Confidential Attachment 1 to the report of the City Solicitor dated May 4, 2022, if adopted by City Council, but direct that the remainder of Confidential Attachment 1 remain confidential, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

On March 3, 2021, Etobicoke York Community Council approved the recommendations with amendments of the Preliminary Report from the Acting Director, Community Planning, Etobicoke York District on the application. The report identified various issues that need to be resolved, including: building height and massing in relation to the small-scale residential uses adjacent to the site; site layout and organization to ensure the proper functioning of the site. The report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EY22.8>

On November 22, 2021, Etobicoke York Community Council approved the recommendations of a Directions Report, authorizing staff to attend at the Ontario Land Tribunal to oppose the zoning by-law amendment application, and these recommendations were adopted by Council on December 15, 2021. The report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EY28.2>

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.

CONTACT

Gabe Szobel, Solicitor, Tel. 416-338-1889, Fax No. 416-397-5624, E-mail:
Gabe.Szobel@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential instructions from the City Solicitor
Confidential Attachment 2 - Confidential Information
Confidential Attachment 3 - Confidential Information