

**5203 to 5215 Yonge Street and 11 Parkview Avenue –
Official Plan Amendment and Zoning By-law
Amendment Application – Request for Further
Direction Regarding OLT Hearing**

Date: June 14, 2022

To: City Council

From: City Solicitor

Wards: Ward 18 - Willowdale

Planning Application Numbers: 20 227227 NNY 18 OZ

REASON FOR CONFIDENTIAL INFORMATION

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

5205 Yonge Inc. (the "**Owner**") owns the lands municipally known as 5203, 5205, 5211, 5213, and 5215 Yonge Street and 11 Parkview Avenue (the "**Site**") and has made applications to amend the North York Centre Secondary Plan (the "**NYCSP**") and Zoning By-law 7625 to permit a 32 storey mixed-use building on the Site. The applications were appealed to the Ontario Land Tribunal (the "**OLT**" or "**Tribunal**"). An eight day hearing is scheduled from January 16, 2023 to January 25, 2023. A with prejudice settlement offer dated April 29, 2022 was rejected by City Council at its meeting on May 11 and 12, 2022 ([CC43.21](#)). The City Solicitor requires further direction in respect of the OLT proceedings.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.

2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and Confidential Appendix A, at the discretion of the City Solicitor.

3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential, as it contains advice which is subject to solicitor-client privilege and litigation privilege.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On January 19, 2021, Planning and Housing Committee considered a report from the Chief Planner and Executive Director, City Planning on the division's study work plan. One of the directions made by the Committee was to direct City Planning to initiate the focused review of the North York Centre Secondary Plan. Committee's decision and the staff report may be found on the City's website:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH20.2>

On March 1, 2021, North York Community Council considered a Preliminary Report on the Original Proposal and directed staff to hold a community consultation meeting. A copy of the Preliminary Report and Community Council's decision may be found on the City's website:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY22.13>

On December 15, 2021, City Council considered and adopted the recommendations of a Request for Directions Report by City Planning seeking instructions regarding the Owner's Appeal of the Original Proposal to the OLT. City Council authorized the City Solicitor and City staff to attend the OLT to oppose the Original Proposal and to continue discussions with the Owner in an attempt to resolve outstanding issues and report back on the outcome of those discussions. A copy of City Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY28.3>

On May 11, 2022, City Council considered a report from the City Solicitor on a with prejudice settlement offer, and rejected the offer, directing the City Solicitor to attend the OLT hearing in opposition to the settlement proposal and authorizing the City Solicitor to retain outside consultants as necessary. City Council's decision can be found at the following link:

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix A – Confidential Information