



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2-24 Temple Avenue – Zoning By-law Amendment Application - Ontario Land Tribunal Hearing - Request for Further Directions

Date: November 29, 2022

To: City Council

From: City Solicitor

Wards: Ward 4 – Parkdale-High Park

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 in light of a third Case Management Conference ("**CMC**") scheduled for January 19, 2023 before the Ontario Land Tribunal (the "**OLT**" or "**Tribunal**").

Temple Ave Partners Inc. (the "**Applicant**" or "**Owner**") has applied for a Zoning By-law Amendment for the property municipally known as 2 – 24 Temple Avenue (the "**Site**" or "**Subject Site**").

On January 18, 2021, the Applicant applied for amendments to the Zoning By-Law in order to permit a 16-storey residential building with 273 dwelling units (the "**Application**"). The proposed height is 56.45 metres (including the mechanical penthouse). The gross floor area ("**GFA**") is 19,696 square metres, which results in a floor space index ("**FSI**") of 8.09 times the lot area. The proposed building is within the Apartment Neighbourhoods land-use designation.

On September 1, 2021, the applicant appealed its Application to the Ontario Land Tribunal (the "**OLT**"), pursuant to s. 34(11) of the Planning Act, due to Council not making a decision within the statutorily prescribed time frame. The appeal is known as OLT Case No. OLT-21-001749.

An OLT hearing for this matter was originally scheduled between September 26 – October 4, 2022 but was subsequently converted to a CMC that was held on September 26.

Mediation sessions were held on May 27, 2022 and June 1, 2022.

The City Solicitor requires further instructions at the upcoming City Council meeting on December 14, 2022 due to the upcoming CMC for this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in the Confidential Attachment 1 to this report (November 29, 2022) from the City Solicitor.
2. If the City Solicitor's confidential recommendations are adopted by City Council, then City Council authorize the public release of:
 - a. 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

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 April 21, 2021, Toronto and East York Community Council considered and adopted the recommendations of a Preliminary Report from City Planning regarding the Application as Item TE 24.26. In its decision, Community Council authorized City staff to conduct a community consultation meeting, with an expanded notification area, regarding the Application. The Preliminary Report and Community Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE24.26>

On June 13, 2022, Toronto and East York Community Council considered and adopted the recommendations of a Request for Directions Report from City Planning, being Item TE34.55, regarding the Application, as a result of the Applicant's Appeal. In its decision, Community Council authorized City staff and the City Solicitor to attend the Ontario Land Tribunal hearing scheduled from September 26, 2022 to October 4, 2022 to oppose the Application for 2-24 Temple Avenue, and to continue discussions with the applicant in an attempt to resolve the outstanding issues. The Request for Directions Report and Community Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE34.55>

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. The City Solicitor requires direction in this matter prior to the conclusion of the December 14, 2022 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 – Confidential Report from the City Solicitor
2. Public Appendix 1 – Letter from Goodmans LLP, dated October 18, 2022, containing the With Prejudice Settlement Offer
3. Public Appendix 2 - Revised Plans prepared by RAW Design Inc., dated October 12, 2022 inclusive