

## **175-195 St. Clair Avenue West and 273 Poplar Plains Road – Official Plan and Zoning By-law Amendment – Request for Direction Report**

**Date:** January 26, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 12 – Toronto-St. Paul's

### **REASON FOR CONFIDENTIAL INFORMATION**

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

### **SUMMARY**

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The purpose of this report is to request further instructions for the Ontario Land Tribunal ("Tribunal") proceeding that is currently scheduled for a thirteen-day contested hearing beginning June 12, 2023. The owner has appealed the Official Plan and zoning by-law amendment application for 175-195 St. Clair Avenue West and 273 Poplar Plains Road due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

On July 19, 2022 City Council directed the City Solicitor, along with appropriate staff, to oppose the Tribunal appeal but continue discussions with the applicant to resolve issues.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

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

2. City Council authorize the public release of the Confidential Appendix A and the confidential recommendations in Confidential Attachment 1 of the report, if adopted by City Council.

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

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On November 19, 2020, an Official Plan and Zoning By-law Amendment application was submitted to permit a 13 to 15-storey residential building containing 206 dwelling units. The proposal has since been reduced to an 11 to 13-storey residential building containing 164 dwelling units. A Rental Housing Demolition application was submitted to permit the demolition of 1 rental dwelling unit on the site on February 2, 2021.

A Preliminary Report was adopted by Toronto and East York Community Council on February 24, 2021, authorizing staff to conduct a Community Consultation Meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE23.50>

A Request for Directions Report, dated June 13, 2022 from the Director, Community Planning, Toronto and East York District, was considered by City Council at its meeting of July 19, 2022. City Council directed the City Solicitor and Planning staff to attend the Tribunal in opposition to the appeals. The report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2022/te/bgrd/backgroundfile-227378.pdf>

## **COMMENTS**

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The City Solicitor requires further instructions on this matter.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" – Confidential Information