

## **5238 Dundas Street West and 28 Jopling Avenue South - Official Plan and Zoning By-law Amendment Application – Request for Direction**

**Date:** January 26, 2023  
**To:** City Council  
**From:** City Solicitor  
**Wards:** 3 - Etobicoke-Lakeshore

### **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 potential litigation.

### **SUMMARY**

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Rimap and Main Developments Inc. (the "Applicant") is the owner of the property municipally known as 5238 Dundas Street West and 28 Jopling Avenue South (the "Subject Site"). The Applicant applied for Official Plan and zoning by-law amendments (the "Applications") in order to facilitate a 40-storey mixed-use building with 475 dwelling units and 380 square metres of retail space on the ground floor on the Subject Site (the "Application").

The Applicant appealed the Applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the prescribed time frames set out in the *Planning Act*. The appeal was assigned Case No. OLT-22-002961. On July 19, 2022, City Council adopted the recommendations of Community Planning staff to direct the City Solicitor and appropriate staff to attend the OLT in opposition to the Applications. A 10-day hearing has been scheduled to commence on April 24, 2023. The City Solicitor requires further direction.

City Planning, Urban Design, and Parks, Forestry & Recreation staff have been involved in the preparation of this report.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. If the confidential recommendations in Confidential Attachment 1 are adopted by City Council, City Council authorize the public release of:
  - a. the confidential recommendations in Confidential Attachment 1, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege; and
  - b. Confidential Attachments 2 and 3.

## **FINANCIAL IMPACT**

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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**

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On February 24, 2022, Etobicoke York Community Council considered a preliminary report on the Applications for 5238 Dundas Street West and 28 Jopling Avenue South. Community Council's decision and the Preliminary Report may be accessed at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.EY30.7>

On July 19, 2022, City Council adopted the recommendations of Community Planning staff to direct the City Solicitor and appropriate staff to attend the Ontario Land Tribunal in opposition to the applications regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 5238 Dundas Street West and 28 Jopling Avenue South. City Council's decision may be accessed at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.EY33.16>

On March 18, 2022, the Applicant appealed the Applications to the OLT. A 10-day hearing of the appeal is scheduled to commence on April 24, 2023.

## **COMMENTS**

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This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1, Confidential Attachment 2, and Confidential Attachment 3 to this report contain confidential information.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information