

**1-3 Concorde Gate and 10-12 Concorde Place –  
Zoning By-law Amendment – OLT Appeal – Request  
for Directions**

**Date:** March 17, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 16 - Don Valley East

**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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On July 15, 2021, the City received a Zoning By-law Amendment application for the lands at 1-3 Concorde Gate and 10-12 Concorde Place (the "Site"). The application was to permit the redevelopment of the Site with five residential buildings consisting of nine towers ranging in height from 40 to 52 storeys.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on January 28, 2022.

A With Prejudice Offer to Settle the appeal of the Zoning By-law Amendment was provided to the City on March 16, 2023. The City Solicitor requires instructions on the settlement offer, which will expire on the completion of the City Council meeting which commences on March 29, 2023.

A Plan of Subdivision application was also received on July 15, 2021, and was similarly appealed on January 28, 2022 due to the City's non-decision. The Plan of Subdivision appeal will be held in abeyance and City staff will work with the Applicant to resolve the remaining draft plan of subdivision issues in order to finalize a set of draft plan of subdivision conditions.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## 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 July 15, 2021, the City received a Zoning By-law Amendment application to permit the redevelopment of the Site with five residential buildings consisting of nine towers ranging in height from 40 to 52 storeys. On the same date, a Plan of Subdivision application was submitted in order to create development blocks and new public infrastructure, including two new public parks and a new public street. The Preliminary Report considered at North York Community Council can be found at: <https://www.toronto.ca/legdocs/mmis/2021/ny/bgrd/backgroundfile-170169.pdf>

On January 28, 2022, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on July 13, 2022. A hearing is scheduled for June 12 to 29, 2023.

A Request for Direction Report on the application was adopted by City Council on September 13, 2021 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. City Council's Decision and the link to the Request for Direction Report can be found at: [Agenda Item History - 2021.NY26.10](#)

## COMMENTS

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On March 16, 2023, the City received a With Prejudice, not confidential, settlement offer from the applicant's lawyers, Kagan, Shastri, DeMelo, Winer & Park LLP, which is attached as Public Attachment 1 (the "Settlement Offer"). The Settlement Offer contains revised plans (the "Revised Plans"). The Settlement Offer is open until the end of the City Council meeting commencing on March 29, 2023. The Applicant has provided the Revised Plans to the OLT, and intends to proceed with the June 12 to 29 Hearing, on the basis of the Revised Plans, should the Settlement Offer not be accepted.

The Revised Plans include a number of modifications. The key modifications include:

1. Reduction in the proposed number of towers on site from 9 to 8, all of which shall have a floor plate of 800 square metres or less, with tower separation distances of 27 to 32.7 metres.
2. Tower heights have been reduced to a range between 42-47 storeys, rather than 40-52 storeys as originally proposed.
3. A Toronto District School Board school has been included in the revised proposal as part of Phase 2 of the development. The school and its outdoor play area at grade will be located adjacent to the North park.
4. A reduction in parking spaces from 2,143 to 587 spaces.
5. The amount of non-residential gross floor area has been increased from 841 square metres to a minimum of 2,048 square metres.

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

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Attachment 1 - Letter from Kagan, Shastri, DeMelo, Winer & Park LLP dated March 16, 2023 containing With Prejudice Settlement Offer, including revised architectural plans prepared by Core Architects and dated February 23, 2023.
2. Confidential Attachment 1 - Confidential Information