

**5, 7, 9, 11, 15 and 19 Cosburn Avenue and 8, 10, 12,  
14, 16, 30, 32, 34, 36, 38 and 40 Gowan Avenue -  
Zoning By-law Amendment - Request for Directions  
Report**

**Date:** March 14, 2023

**To:** City Council

**From:** City Solicitor

**Ward:** Ward 14 - Toronto-Danforth

**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 December 22, 2020, a Zoning By-Law Amendment was submitted for the property at 5, 7, 9, 11, 15 and 19 Cosburn Avenue and 8, 10, 12, 14, 16, 30, 32, 34, 36, 38 and 40 Gowan Avenue (the "Site") to permit the construction of a residential building facing both Gowan and Cosburn Avenues. The proposed new building steps up to a height of 15 storeys (48.5 metres, excluding mechanical penthouse) consisting of 25,950 square metres of residential gross floor area (GFA). A total of 316 residential units are proposed with a density of 5.74 times the area of the lot. An on-site parkland dedication of approximately 450 square metres is proposed at the north-west corner of the Site, with a 3 metre wide pedestrian connection proposed to extend from the proposed public park to Gowan Avenue. The application was deemed complete on January 18, 2021.

On December 22, 2020 the City received an application for Rental Housing Demolition Application under Chapter 667 of the Municipal Code to permit the demolition of six rental housing units on the site.

On November 15, 2021, the applicant filed an appeal with the Ontario Land Tribunal ("OLT") for the Zoning By-law amendment application due to Council not making a decision within the 90-day time frame in the *Planning Act*.

The purpose of this report is to request further instructions for the appeal that remains outstanding at the OLT.

City Planning has 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. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and Confidential Appendices "A" and "B", if adopted by City Council.
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

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The City Solicitor confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year, or in future years.

## DECISION HISTORY

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A preliminary report was adopted by Toronto and East York Community Council on April 21, 2021 authorizing staff to conduct a community consultation meeting. The decision of Toronto and East York Community Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.TE24.36>

At its meeting of May 11 and 12, 2022, City Council considered the City Planning staff report, being Item TE32.13 and adopted the recommendations instructing the City Solicitor to oppose the Application. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE32.13>

## COMMENTS

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This report has been prepared in consultation with staff from City Planning including Community Planning and Urban Design Staff, and other Divisional Staff.

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

## **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 Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential information