

# **11, 13, 15, 17, 19, 21 and 23 Hollis Street – Official Plan Amendment and Zoning By-law Amendment Applications – Request for Directions**

**Date:** March 17, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 5 – York South Weston

## **REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations. This report contains advice or communications that are subject to solicitor-client privilege.

## **SUMMARY**

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On October 13, 2021, Official Plan and Zoning By-law Amendment applications were submitted to permit a residential development at 15, 17, 19, 21 and 23 Hollis Street. On May 18, 2022, revised Official Plan and Zoning By-law Amendment applications were submitted which expanded the site to include 11 and 13 Hollis Street (together with 15-23 Hollis St, the "Site") and altered the proposal to a 46-storey (146.6 metres, inclusive of mechanical penthouse) residential building containing 596 dwelling units. The application includes the reconfiguration of the terminus of Hollis Street into a new cul-de-sac.

On August 18, 2022, the applicant appealed the Official Plan and Zoning By-Law Amendments to the Ontario Land Tribunal (the "OLT") citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*.

A Case Management Conference was held on November 23, 2022 (OLT Case OLT-22-004314). A 5-day hearing has been scheduled to start on June 5, 2023.

On February 3, 2023, the applicant filed a revised site plan and profile section dated January 31, 2023 with the OLT for which it intended to seek the approval of the OLT. On February 13, 2023, the applicant again filed a revised site plan and profile section dated February 10, 2023 with the OLT, replacing the previously filed drawings.

On February 24, 2023, the applicant filed a further revised site plan dated February 23, 2023 with the OLT, which supersedes the previous proposals filed with the OLT and is intended to be the revised proposal (the "Revised Proposal"). The Revised Proposal is in the comment section and is attached as Public Attachment 1 to this Report.

Critical filing deadlines in the OLT proceedings will arise prior to the next meeting of City Council. The City Solicitor requires further instructions from City Council.

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

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to this Report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to this Report from the City Solicitor including the Confidential Appendices, only at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 to this Report from the City Solicitor is to remain confidential 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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A Preliminary Report from the Director, Community Planning Etobicoke-York District on the application was adopted by Etobicoke York Community Council on January 5, 2022 (Item EY29.4). The Preliminary Report can be found at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EY29.4>

A Request for Directions report from the Director, Community Planning Etobicoke-York District dated January 4, 2023 (Item EY2.4) was considered by Etobicoke-York Community Council and City Council at its meeting of February 7 and 8, 2023, and City Council adopted the recommendations instructing the City Solicitor to oppose the Application in its current form and continue discussions with the applicant to resolve outstanding issues. The Report, additional related history and City Council's decision can be found at:  
<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY2.4>

## COMMENTS

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The Revised Proposal consists of a site plan which provides for setbacks of the proposed base building as well as establishes setbacks for a larger area where a proposed tower with a maximum of 850 square meter gross construction area tower floorplate may be located. The Revised Proposal sets an overall height of the base building at 4 and 6 storeys at specified locations, including cantilever permissions along Hollis Street and an overall tower height of 48 storeys (at approximately 154.4 metres). The Revised Proposal proposes no built form on the lands municipally known as 11 and 13 Hollis. The Revised Proposal shows a reconfigured Hollis Street to accommodate a cul-de-sac which includes conveyances to the City to achieve a cul-de-sac at the Hollis Street terminus.

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. Public Attachment 1 – Revised Proposal – filed with the Ontario Land Tribunal on February 24, 2023
2. Confidential Attachment 1 – Confidential Recommendations and Confidential Information
3. Confidential Appendix "A" – Confidential Information
4. Confidential Appendix "B" – Confidential information
5. Confidential Appendix "C" – Confidential Information