



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

412 and 414 Marlee Avenue, and 281, 283, and 285 Hillmount Avenue – Official Plan Amendment and Zoning By-law Amendment Application – Ontario Land Tribunal Hearing - Request for Directions

Date: March 16, 2023

To: City Council

From: City Solicitor

Wards: Ward 8 – Eglinton-Lawrence

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The purpose of this report is to seek further instruction in relation to a development application for an appeal at the Ontario Land Tribunal ("OLT").

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, Confidential Appendix "A" 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, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

On June 23, 2021, North York Community Council adopted a Preliminary Report on the Official Plan and Zoning By-law Amendment Applications, and directed staff to conduct a community consultation. Community Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.NY25.13>

COMMENTS

This report has been prepared in consultation with staff from City Planning.

On December 4, 2020, the Applicant submitted an application to amend the Official Plan, Zoning By-law 569-2013 and former City of North York Zoning By-law 7625, (the "Application"), for the properties municipally known as 412 and 414 Marlee Avenue, and 281, 283, and 285 Hillmount Avenue (the "Site" or "Lands"). The purpose of the December 2020 Application was to permit a 10-storey (36 metres high including mechanical penthouse) residential building consisting of 190 dwelling units and ground floor commercial uses, for a proposed total gross floor area of 13,503 square metres, and a Floor Space Index density (the "FSI") of 4.41 times the area of the lot.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment and Official Plan Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on September 1, 2022.

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

Marc Hardiejowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4960; Fax: (416) 397-5624; Email: marc.hardiejowski@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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