



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

500 Duplex Avenue - Zoning By-law Amendment Application - Request for Direction Report

Date: March 15, 2023

To: City Council

From: City Solicitor

Wards: 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 potential litigation.

SUMMARY

On July 7, 2021, the City received a Zoning By-law Amendment application for 500 Duplex Avenue (the "Site") to permit the construction of two infill residential rental buildings of 11 and 15-storeys, in addition to the existing 34-storey rental apartment building which would remain on the Site.

The applicant appealed City Council's neglect or failure to make a decision on its application (the "Appeal") to the Ontario Land Tribunal (the "OLT") on February 16, 2022.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for June 19, 2023.

RECOMMENDATIONS

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 in Confidential Attachment 1, Confidential Appendix "A" and Confidential Appendix "B" to this report from the City Solicitor, if the confidential recommendations are 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 and information 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 July 7, 2021, a Zoning By-law Amendment application was submitted for two infill residential rental buildings of 11-storeys (37.4 metres) and 15-storeys (48.4 metres) in height with 5 metre tall mechanical penthouses, resulting in an additional 45,416 square metres of residential gross floor area on the subject site in addition to the existing 34-storey rental apartment building which would remain. The existing building contains 330 units (with 11 units to be demolished) and the proposed 11-storey building would contain 311 units while the 15-storey building would contain 310 units, all resulting in a total of 940 units. The application was deemed complete as of July 7, 2021.

A pre-application meeting was held on March 9, 2021 with City staff to discuss the proposed redevelopment.

On February 16, 2022, the Applicant appealed the Zoning By-Law Amendment Application to the OLT due to Council not making a decision within the 90-day time frame under the *Planning Act*.

On May 11, 2022, City Council adopted a Request for Direction report from the Director, Community Planning, North York District, and directed the City Solicitor together with appropriate City staff to attend the OLT to oppose the Zoning By-law Amendment application in its current form and to continue discussions with the applicant to resolve issues outlined in the report. The Decision of City Council may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY31.8>

The OLT conducted a first case management conference on July 12, 2022, during which it granted party status to the 500 Duplex Coalition. The 500 Duplex Coalition consists of the Eglinton Park Residents' Association, the Lytton Park Residents' Organization, the 500 Duplex Tenant's Association, and the nearby housing co-operative. A ten-day hearing is scheduled to commence on June 19, 2023.

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege and litigation privilege.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information