



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3377 Bayview Avenue – Official Plan and Zoning By-law Amendments - Request for Directions

Date: March 17, 2023
To: City Council
From: City Solicitor
Wards: 17 - Don Valley North

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 June 13, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit a development consisting of 15 residential buildings occurring in three phases of development at 3377 Bayview ("the Site"). The application was revised in January 2022 to propose 14 residential buildings, the majority of which range in height from 6-storeys to 8-storeys, with three buildings having heights of 11 storeys, 15 storeys, and 20-storeys. The applicant proposes 84,650 square metres of residential gross floor area, resulting in 1,530 residential units, of which 50 percent are proposed to be affordable rental, and 50 percent are proposed to be market rental. A total of 667 square metres of new non-residential gross floor area is proposed, including a private daycare, cafe, and flexible use spaces. A new 18.5 metre-wide public street is proposed at the south end of the site connecting to Bayview Avenue at the existing signalized intersection. The northern portion of street connecting to Bayview Avenue is proposed to be a private street with a width of 18.5 metres, with a new proposed signalized intersection on Bayview Avenue. The majority of the existing Tyndale University building is proposed to be retained, and would continue to operate. A Plan of Subdivision application was also submitted to create a new public street, 4 proposed development blocks and two park blocks.

On March 3, 2022, the Applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frames prescribed in the *Planning Act*. The Plan of Subdivision application has not been appealed to the OLT.

The City Solicitor requires further directions for upcoming OLT hearing scheduled for 3 weeks commencing July 10, 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. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of the recommendations contained in the Confidential Attachment 1 as well as Confidential Appendices "A" and "B", with the remainder of the Confidential Attachment 1 to remain confidential, as it contains advice 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

Planning and Housing Committee, on June 28, 2021, adopted a [report](#) from the Housing Secretariat authorizing up to 752 affordable rental units to be constructed on the Site as part of the Open Door Program incentives. The report was adopted by City Council on July 14, 2021 and can be found at this link:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH25.11>

A Preliminary Report was adopted by North York Community Council on September 13, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification area as well as establishing a Working Group. The decision of the North York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY26.11>

On March 3, 2022, the Applicant appealed the Official Plan and Zoning By-law Amendment applications to the OLT due to Council not making a decision within the time frame prescribed in the *Planning Act*. A Case Management Conference was scheduled for July 20, 2022 at which time a 15 day hearing was scheduled, set to commence on July 10, 2023.

A Request for Direction Report on the application was adopted by City Council on June 15 and 16, 2022, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law and Official Plan Amendment applications, and to

continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:
<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY32.6>

At its meeting of February 28, 2023, Planning and Housing Committee adopted the recommendation of the Toronto Preservation Board and recommended that City Council state its intention to designate the property at 3377 Bayview Avenue under Part IV, Section 29 of the *Ontario Heritage Act* for its cultural heritage value at its meeting of March 29, 2023. The report will be considered by City Council at its meeting of March 29, 2023 can be found at this link:
<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH2.14>

COMMENTS

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

Wendy Walberg
City Solicitor

ATTACHMENTS

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