



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# Official Plan Amendment 144 and Implementing Zoning By-laws - St. Clair West Avenue Study - Request for Directions Regarding Ontario Land Tribunal Hearing

**Date:** March 17, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11 - York South-Weston

### 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 September 22, 2011, City Council adopted Official Plan Amendment 144 ("OPA 144") and corresponding Zoning By-laws 1169-2011 and 1170-2011 (the "Implementing By-laws") to provide for a planning framework for St. Clair Avenue West.

A number of landowners appealed City Council's decision on OPA 144 and the Implementing By-laws (the "Appeals") to the Ontario Land Tribunal (the "OLT"). Two landowners within the OPA 144 plan area are appellant/parties, and have submitted development proposals for 2231 and 2255 St. Clair Avenue West.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for June 16, 2023.

### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in the Confidential Attachment 1 to this report.

2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 and Confidential Appendices "A", "B", "C" and "D", if the confidential recommendations are 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 litigation and 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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On September 22, 2011, City Council adopted Official Plan Amendment 144 (through By-law 1168-2011). OPA 144 was the result of the St. Clair West Avenue Study for the segment west of Keele Street/Weston Road to Scarlett Road, which was undertaken by City staff between 2009 and 2011. The effect of OPA 144 was to redesignate the lands on both the north and south sides of St. Clair Avenue to Mixed Use Areas. At the same meeting, City Council also passed corresponding Zoning By-law 1169-2011 and 1170-2011, which made amendments to the former City of Toronto Zoning By-law 438-86 and former City of York Zoning By-law 1-83 to implement the direction of the OPA 144. The City Council item can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY5.2>

OPA 144 and the Implementing By-laws were appealed to the OLT by four landowners (the "Appeals"). Clair West, and Cobalt are an appellant and party to the Appeals.

In March 2021, Clair West submitted an application to the City for an amendment to Zoning By-law 438-86 to facilitate a 12-storey mixed-use building with retail at grade at 2221-2231 St. Clair Avenue West (the "West Application"). In September 2021, Cobalt submitted an application to the City for an amendment to Zoning By-law 438-86 to facilitate a mixed-used development consisting of two 12-storey buildings with retail at grade at 2237, 2255 and 2283 St. Clair Avenue West (the "Cobalt Application"). Both the West Application and the Cobalt Application fall within the OPA 144 and Implementing By-laws plan area.

On May 11 and 12, 2022, the Tribunal approved the modifications to OPA 144 to update the compatibility requirements policies and to redesignate to *Mixed Use* on a site-specific basis as it relates to the sites subject to the West Application and the Cobalt Application. As a result of this Tribunal Order, the residential uses contemplated in both applications became permitted uses on the *Mixed Use* sites, and the appeal of OPA 144 was resolved as it relates to both sites.

## **COMMENTS**

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

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**

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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
4. Confidential Appendix "C" - Confidential Information
5. Confidential Appendix "D" - Confidential Information