



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

36-48 Steeles Avenue East and 37-49 Highland Park Boulevard (City of Markham) – Ontario Land Tribunal Hearing – Request for Directions

Date: March 17, 2023

To: City Council

From: City Solicitor

Ward: 18 – Toronto - Willowdale

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 March 5, 2019, the City of Markham received applications for an Official Plan and Zoning By-law Amendment to permit the development of 27- and 6-storey residential buildings on the lands located at 36, 38, 40, 42, 44, 46, 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47, 49 Highland Park Boulevard ("Proposed Development"). The applicant has appealed the City of Markham's failure to make a decision on the Proposed Development to the Ontario Land Tribunal (the "OLT").

The OLT held the first Case Management Conference on February 6, 2023, at which the City of Toronto was granted party status. A hearing is scheduled for November 6, 2023, for which the City Solicitor requires instructions.

The subject site is comprised of fourteen (14) parcels of land municipally addressed as 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard located within the City of Markham. The site is located on the north side of Steeles Avenue East, which is a City of Toronto road.

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 contained in the Confidential Attachment 1 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 and litigation 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

The City of Markham circulated the development applications to the City of Toronto for review and comment. Toronto Engineering and Construction Services reviewed the applications and provided comments to Toronto City Planning outlined in the Memorandum dated February 14, 2022 from the Manager, Development Engineering North York, Engineering and Construction Services.

On July 22, 2022, City Council adopted Official Plan Amendment 615 (By-law 1016-2022). Section 5.23 of the Amendment modifies Map 3, identifying the planned right-of-way width of Steeles Avenue East from 36 metres to "45 metres and over". The Amendment modified the right-of-way width to allow for transit priority measures such as transit-only lanes and platform integration with the planned Steeles subway station.

In accordance with the Council-approved Amendment, a widening along the entire Steeles Avenue East frontage of the subject development is required to meet the Yonge Street North Secondary Plan (OPA 615). In order to ensure appropriate sight-lines are maintained for safety, a corner rounding at the northeast corner of Steeles Avenue is also required. The City's By-law 1016-2022 (amendment 615) can be found here: [By-law 1016-2022 \(toronto.ca\)](https://www.toronto.ca/by-law-1016-2022/)

The Yonge Street North Transportation Master Plan identifies Steeles Avenue for transit improvements.

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