

801 York Mills Road – Ontario Land Tribunal Hearing – Request for Directions

Date: March 16, 2023

To: City Council

From: City Solicitor

Wards: 16- Don Valley East

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 November 4, 2019, a Zoning By-law Amendment application was submitted for 801 York Mills Road and 1855 Leslie Street to permit two, 21-storey towers (69 metres each), and a 9-storey apartment building (31.9 metres).

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal") to the Ontario Land Tribunal ("OLT") on April 25, 2022.

The City Solicitor requires further direction for the upcoming OLT hearing scheduled for July 31, 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 contained in the Confidential Attachment 1 and Confidential Appendix "A" 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 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 November 4, 2019, a Zoning By-law Amendment application was submitted at 801 York Mills Road and 1855 Leslie Street to permit two, 21-storey towers (69 metres each), and a 9-storey apartment building (31.9 metres).

On April 25, 2022, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (the "OLT"). The appeal was made to a revised proposal from the original and citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*. The current application proposes two, 16-storey towers (52.06 metres each) joined by an 8-storey base building (height of 27 metres) along York Mills Road, that includes 10-storey (34.2) and 8-storey (28.3 metres) wings at the south end of the site, and a 5-storey townhouse building (15 metres).

A Request for Direction Report on the application was adopted by City Council on July 19, 20, 21 and 22, 2022 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

[Agenda Item History - 2022.NY33.16 \(toronto.ca\)](#)

COMMENTS

The City Solicitor requires further instructions in relation to 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