



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2650-2672 St. Clair Avenue West – Ontario Land Tribunal Hearing – Request for Directions

Date: March 17, 2023

To: City Council

From: City Solicitor

Wards: 5 - York South-Weston

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 April 29, 2022, the applicant submitted a site plan application, file 22 142181 WET 05 SA (the "Application") to permit the development of 98, 4-storey back-to-back townhouse units, which the City deemed as complete as of June 8, 2022.

The applicant appealed City Council's neglect or failure to make a decision on its application for the site plan application (the Site Plan Appeal), to the Ontario Land Tribunal ("OLT") on October 25, 2022.

The City Solicitor requires further direction for the upcoming OLT hearing scheduled for April 18 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 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

The Site Plan Appeal follows earlier appeals of the applicant's applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, the resolution of which was endorsed by City Council at its meeting of November 9, 2021.

The minutes can be found at:

[Agenda Item History - 2021.CC37.5 \(toronto.ca\)](#)

On December 17, 2021, the OLT issued a final decision and interim order approving the applicant's Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications to permit the development of 98, 4-storey back-to-back townhouse units located to the rear (north) of an existing 2-storey commercial building: The OLT rezoned the northern portion of the subject site from Commercial Employment and Commercial Residential 1163 to Residential Multiple to permit the proposed development but withheld its final Order pending the satisfaction of post-approval conditions.

COMMENTS

The City Solicitor requires further instructions in 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