

**4340 Bloor Street West – Ontario Land Tribunal
Hearing – Request for Directions**

Date: March 16, 2023
To: City Council
From: City Solicitor
Wards: 2 - Etobicoke Centre

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 December 17, 2020, the City received a Zoning By-law Amendment application for 4340 Bloor Street West (the "Site") to permit the construction of a 13-storey and a 4-storey apartment building with a total of 240 new residential units.

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 (the "OLT") on April 25, 2022.

The City Solicitor requires further directions for upcoming OLT hearing scheduled for June 5, 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 recommendations in Confidential Attachment 1 are adopted by City Council, City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 and Confidential Attachment 2 to this Report from the City Solicitor.

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 and information 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 December 17, 2020, the City received a Zoning By-law Amendment application to permit the construction of a 13-storey and a 4-storey apartment building with a total of 240 new residential units. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.EY24.11>

On April 25, 2022, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on September 29, 2022. A hearing is scheduled for June 5, 2023.

A Request for Direction Report on the application was adopted by City Council on December 14, 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:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY1.1>

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 Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information