

**580 The East Mall – Zoning By-law Amendment  
Application – Request for Direction**

**Date:** March 9, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Etobicoke Centre - Ward 2

**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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The purpose of this report is to request further instructions for the Ontario Land Tribunal ("OLT") hearing into this matter currently scheduled to commence on May 8, 2023, for five (5) days. The applicant appealed the proposed Zoning By-law amendments to the OLT due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of the recommendations contained in the Confidential Attachment 1 as well as Confidential Appendices "A" and "B", with the remainder of the Confidential Attachment 1 to remain confidential, as it contains advice subject to 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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In August 2021, an Application was submitted to amend the Zoning By-law to permit a new 26-storey residential building to the west of an existing 16-storey residential building on the subject site at 580 the East Mall.

A Preliminary Report was adopted by Etobicoke York Community Council on February 24, 2022 authorizing staff to conduct a community consultation meeting with an expanded notification boundary. The decision of North York Community Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EY30.8>

On May 18, 2022, the applicant filed an appeal with the OLT (OLT-22-003758) on the application due to Council not making a decision within the time frame in the *Planning Act*. On August 18, 2022 the parties attended the first Case Management Conference for this file. A draft procedural order was considered and a hearing is set to commence May 8, 2023 and conclude May 12, 2023.

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential advice and should be considered by City Council *in camera*.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix A - Confidential Information
3. Confidential Appendix B - Confidential Information