

3377 Bayview Avenue - Request for Directions Report

Date: March 9, 2023

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: 17 - Don Valley North

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

The purpose of this report is to request further instructions regarding a matter appealed to the Ontario Land Tribunal ("OLT") hearing into this matter currently scheduled to commence on July 10, 2023, for three weeks. The applicant appealed the proposed Zoning By-law and Official Plan amendments to the OLT due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

There are heritage conservation matters that require the advice of Toronto Preservation Board.

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, Confidential Appendix "A", "B" and "C" 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

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On June 13, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit a development on this site consisting of 15 residential buildings occurring in three phases of development. The application was revised on January 4, 2022 and the current application proposes 14 residential buildings, the majority of which range in height from 6-storeys (20 metres) to 8-storeys (26 metres), with three buildings having heights of 11 storeys (35 metres), 15 storeys (47 metres), and 20-storeys (62 metres). A Plan of Subdivision application was also submitted to create a new public street, 4 proposed development blocks and two park blocks.

On March 3, 2022, the Applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the *Planning Act*. The plan of subdivision application has not been appealed to the OLT.

On June 15, 2022 City Council adopted Item NY32.6, directing the City Solicitor and appropriate staff to attend at the OLT in opposition to the application regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 3377 Bayview Avenue and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

The report noted that Heritage Planning Staff reviewed the submitted Heritage Impact Assessment prepared by ASI dated June 2021 and suggested that Tyndale University and its landscaped setting should be conserved through the development proposal, with consideration given to the conservation of the building complex, along with significant landscape features and views. Staff expressed concern with the impact of the proposal on the cultural heritage value of the property and with the proposed conservation strategy. The report can be found at this link:

<https://www.toronto.ca/legdocs/mmis/2022/ny/bqrd/backgroundfile-225485.pdf>

At its meeting of February 28, 2023, Planning and Housing Committee adopted the recommendation of the Toronto Preservation Board and recommended that City Council state its intention to designate the property at 3377 Bayview Avenue under Part IV, Section 29 of the *Ontario Heritage Act* for its cultural heritage value at its meeting of March 29, 2023. The report can be found at this link:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH2.14>

COMMENTS

Area Context

The property at 3377 Bayview Avenue is located on the east side of Bayview Avenue between Eglinton Avenue and Steeles Avenue and contains the Tyndale University campus, formerly the Sisters of St. Joseph Motherhouse campus. The built components of the property are primarily situated on table lands overlooking a ravine alongside the German Mills Creek, a tributary of the Don River. The surrounding area features a collection of large institutional campuses, with building complexes deeply set back from the road amid landscaped sites. Contemporaneous with the campus, the adjacent residential neighbourhoods of Bayview Woods-Steeles and Willowdale were subdivided and developed starting in the 1950s, as part of North York's larger post-war residential boom.

Heritage Property

The 56.3-acre property at 3377 Bayview Avenue has a complex of interconnected buildings designed by the architectural firm of Marani, Morris & Allan in 1959-1960 to reflect both Neoclassical and Modernist principles. The building complex includes the Tyndale University campus, formerly the Sisters of St. Joseph Motherhouse campus and the former St. Joseph's Morrow Park Catholic Secondary School. The property also contains three distinct landscape zones – a formal planned landscape that occupies the area between Bayview Avenue and the Motherhouse, a low natural landscape to the northeast, and an elevated contemplative landscape to the southeast. The ensemble of buildings, united through landscape and circulation elements, constitutes a cultural landscape that has facilitated ongoing spiritual practice and religious education for over 60 years. The property meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, under all three categories of design/physical, historical/associative, and contextual value. A report recommending City Council state its intention to designate the property at 3377 Bayview Avenue under Part IV, Section 29 of the *Ontario Heritage Act* for its cultural heritage value will be considered by City Council at its meeting of March 29, 2023.

The City Solicitor requires further instructions. 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 the Toronto Preservation Board *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information