

**6200 Yonge Street and 11-15 Moore Park Avenue –  
Ontario Land Tribunal Hearing – Request for  
Directions**

**Date:** April 27, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** 18 - Willowdale

**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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On December 31, 2021, an application to amend the Official Plan, the former City of North York Zoning By-law 7625, and City-wide Zoning By-law 569-2013 were submitted to permit a 25-storey (76.3 metre) mixed-use building at 6200 Yonge Street and 11-15 Moore Park Avenue. The applicant also submitted an application for Site Plan Approval on December 31, 2021 in support of the Official Plan and Zoning By-law Amendment applications.

On July 14, 2022, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT"), citing Council's failure to make a decision within the prescribed time frames in the *Planning Act*. The application for Site Plan Control has not been appealed.

The City Solicitor requires further direction for the upcoming OLT hearing scheduled for July 31, 2023.

There is urgency in this matter as the OLT hearing commences June 12, 2023.

## **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 from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 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**

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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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On December 31, 2021, an application to amend the Official Plan, the former City of North York Zoning By-law 7625, and City-wide Zoning By-law 569-2013 were submitted to permit a 25-storey (76.3 metre) mixed-use building at 6200 Yonge Street and 11-15 Moore Park Avenue. The applicant also submitted an application for Site Plan Approval on December 31, 2021 in support of the Official Plan and Zoning By-law Amendment applications.

The proposal would provide 347 residential units, including 8 grade-level units facing Moore Park Avenue. A private day nursery is proposed on the ground level facing Yonge Street with an adjacent outdoor play area. Indoor and outdoor amenity space is proposed on the eighth storey and mechanical penthouse for the residential units. A driveway is proposed from the northwest end of the site which would lead to a three-level underground parking garage providing 174 vehicular parking spaces. A total of 261 bicycle parking spaces are proposed as part of the development.

A Request for Direction Report on the application was adopted by City Council on December 14 and 15, 2022, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendments 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 - 2023.NY1.6 \(toronto.ca\)](#)

On April 24, 2023, the City received a With Prejudice, not confidential, settlement offer from the applicant's lawyers, Kagan Shastri LLP, which is attached as Public Attachment 1 ("Settlement Offer"). The Settlement Offer contains revised plans ("Revised Plans"). Should City Council accept the Settlement Offer, the applicant intends to present the Revised Plans to the OLT for approval, otherwise, the offer will become null and void.

In response to the concerns raised by City staff with the applicant, the Revised Plans include a number of modifications. The chart below sets out the original proposal for the Site and the settlement proposal:

The original proposal and revised proposal details are outlined below:

	<b>Application as submitted Plans dated December 23, 2021</b>	<b>Settlement Offer Plans dated April 21, 2023</b>
Site Area (square metres)	3,472	3,472
Floor Space Index	7.2	7.07
Proposed Residential GFA (square metres)	25,026	24,890.10
Proposed Non-Residential GFA (square metres)	760	373.16
Total GFA (square metres)	25,786	25,263.26
Building Height (metres)	76.3	51.55
Building Height (storeys)	25	16
Total Number of Dwelling Units	347	356
Unit Breakdown	One-bedroom: 195 (56 percent) Two-bedroom: 114 (33 percent) Three-bedroom: 38 (11 percent)	One-bedroom: 248 (70 percent) Two-bedroom: 55 (15 percent) Three-bedroom: 43 (12 percent) 2-storey townhouse units: 10 (3 percent)
Indoor Amenity Space	754 (minimum 2.0 square metres per unit)	713.56 square metres (minimum 2.0 square metres per unit)

	<b>Application as submitted Plans dated December 23, 2021</b>	<b>Settlement Offer Plans dated April 21, 2023</b>
Outdoor Amenity Space	785 (minimum 2.0 square metres per unit)	746.06 square metres (minimum 2.0 square metres per unit)
Vehicle Parking Rates	0.4 per residential unit 0.1 per residential unit for visitor 0.4 per 100 square metres of non-residential gross floor area Total: 174	0.4 per residential unit 2.0 plus 0.05 per residential unit for visitor  Total: 162
Bicycle Parking Rates	0.68 long-term 0.07 short-term Total: 261	0.68 long-term 0.07 short-term Total: 268

**Settlement Proposal**

The With Prejudice Settlement Offer proposes a revised building from a 25-storey mixed-use building to a 16-storey mixed-use building. The proposed development incorporates setbacks, stepbacks, and upper floor stepbacks, and reconfigures the ground floor to incorporate retail uses. The revised development accommodates a 6.0 metre unencumbered corner rounding.

The proposed daycare has been removed from the proposal and replaced with non-residential uses planned as commercial space. The proposed driveway has been relocated from the rear of the property to the mid-block to provide access to the site and to the adjacent south side property’s existing driveway. The proposed driveway remains on Moore Park Avenue.

The applicant will confirm to the OLT and other parties to the Yonge Street North Secondary Plan (OPA 615) appeals that the outstanding issues with OPA 615 have been resolved subject to the OLT approving any necessary amendments to OPA 615 to reflect the Tribunal's approval of the revised development and the related OPA and Zoning By-law amendments.

**COMMENTS**

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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**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Attachment 1 - Letter from Kagan Shastri dated April 24, 2023 containing With-Prejudice Settlement Offer, including revised architectural plans
2. Confidential Attachment 1 - Confidential Information