



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **48, 50, 56, 58 and 60 Avondale Avenue, 17 and 19 Bales Avenue and 25, 35, 37, 39, 41, 43, 45, 51, 53 and 55 Glendora Avenue – Ontario Land Tribunal Hearing – Request for Directions**

**Date:** April 27, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 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 August 3, 2021, the City received an Official Plan Amendment application, a Zoning By-law Amendment application and a Rental Housing Demolition application for 48, 50, 56, 58 and 60 Avondale Avenue, 17 and 19 Bales Avenue and 25, 35, 37, 39, 41, 43, 45, 51, 53 and 55 Glendora Avenue (the "Site") to permit the demolition of 16 existing detached dwellings and to permit the construction of three residential buildings on the Site. On January 6, 2022 and October 31, 2022 revised applications were submitted incorporating additional properties at 37, 57, 61 and 63 Glendora Avenue.

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 January 13, 2022. A hearing of the Appeal is scheduled for August 8-18, 2023. In early 2023, the parties participated in private mediation in an effort to resolve or narrow the issues for the hearing.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for August, 2023. It is necessary to obtain instructions now as there are various upcoming exchange dates in respect of the appeals and other timing constraints set out in Confidential Attachment 1.

## 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 and Confidential Attachment 2 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

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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 August 3, 2021, the City received an OPA Amendment Application, a Zoning By-law Amendment application and a Rental Housing Demolition application to permit the demolition of 16 existing detached dwellings and to permit the construction of three residential buildings with heights of 40, 37 and 26 storeys, containing a total of 1,046 residential units. The Preliminary Report can be found at:  
<https://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-223797.pdf>

On January 6, 2022, the City received a revised application, incorporating an additional property at 37 Glendora Avenue, seeking heights of 42, 47 and 26 storeys, containing a total of 1,137 residential units.

On January 13, 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 July 22, 2022. Two adjacent landowners and a neighbouring condominium corporation sought and obtained party status in the proceedings. A hearing is scheduled for August 8-18, 2023.

A Request for Direction Report on the application was adopted by City Council on May 11, 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://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-223797.pdf>

On October 31, 2022, a further revised application was submitted incorporating additional properties at 57, 61 and 63 Glendora Avenue, with revised heights of 45, 38 and 26 stories. The revised proposal also includes an on-site parkland dedication of 768.5 square metres.

## **COMMENTS**

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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**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Attachment 2 - Confidential Information