

## **54 to 62 Glen Everest Road – Ontario Land Tribunal Hearing – Request for Directions**

**Date:** April 27, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** 20 - Scarborough Southwest

### **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 April 6, 2021, a Zoning By-law Amendment application was submitted to permit the redevelopment of 54 - 62 Glen Everest Road (the "Site") with a 12-storey residential building with 427 units including 68 replacement rental units. A separate application for rental housing demolition was also submitted to permit the demolition of 68 rental units located on the Site. A revised proposal was submitted on June 28, 2022 increasing the gross floor area to 32,901 square metres and reducing the total number of residential units to 414 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 July 13, 2022.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for July 17, 2022. This matter is urgent given that deadlines set out in the Procedural Order for the hearing are imminent.

### **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, and Confidential Appendix A and B 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**

---

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 April 6, 2021, a Zoning By-law Amendment application was submitted to permit the redevelopment of the Site with a 12-storey residential building with 427 units including 68 replacement rental units. A revised proposal was submitted on June 28, 2022 increasing the gross floor area to 32,901 square metres and reducing the total number of residential units to 414 units. A separate application for rental housing demolition was also submitted to permit the demolition of 68 rental units located on the Site. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.SC26.5>

On July 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 November 1, 2022. An eight day hearing is scheduled for July 17, 2023.

A Request for Direction Report on the application was adopted by City Council on March 29 - 31, 2023 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/2023/sc/bgrd/backgroundfile-234464.pdf>

## **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**

---

Jason Davidson, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4835;  
Fax: (416) 397-5624; Email: [jason.davidson@toronto.ca](mailto:jason.davidson@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

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