



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

4, 6, 8 and 10 Beamish Drive – Zoning By-law Amendment Application – Ontario Land Tribunal Hearing - Request for Directions

Date: May 29, 2023

To: City Council

From: City Solicitor

Wards: 3 - Etobicoke-Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding litigation.

SUMMARY

The purpose of this report is to seek further instruction in relation to a development application for an appeal at the Ontario Land Tribunal ("OLT").

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, Confidential Appendix "A" and Confidential "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, 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 February 5, 2020, Etobicoke York Community Council adopted a Preliminary Report on the Zoning By-law Amendment Application, and directed staff to conduct a community consultation meeting. Community Council's decision can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2020.EY13.2>

COMMENTS

This report has been prepared in consultation with staff from City Planning.

On October 7, 2019, the applicant submitted a Zoning By-law Amendment application to permit the development of a 35-storey residential building with 329 dwelling units ("Original Proposal"). The existing three one-storey buildings were proposed to be demolished. The proposal included 171 vehicle parking spaces in four levels of underground parking and 252 bicycle parking spaces. The total proposed gross floor area was 24,747 square metres, resulting in a floor space index of 13.6 times the area of the lot.

Subsequently, two resubmissions were made on October 19, 2021 and August 18, 2022. In the August 2022 resubmission, 10 Beamish Drive was incorporated into the development site. Additionally, the August resubmission was revised to propose a 52-storey mixed-use building with 520 dwelling units and 296 square metres of commercial space at grade (the "2022 Proposal"). A total of 203 parking spaces and 52 bicycle parking spaces are proposed. The total proposed gross floor area has increased to 37,889 square metres, resulting in a floor space index of 16.1 times the area of the new lot area.

The applicant appealed City Council's neglect or failure to make a decision regarding its 2022 Proposal to the Ontario Land Tribunal (the "OLT") on September 15, 2022 (the "Appeal").

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.

This hearing is scheduled to commence on September 18, 2023 for 10 days. As a result, there are various upcoming procedural filing deadlines such as the filing of expert witness statements, which are due on July 17, 2023.

CONTACT

Jessica Amey, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-1890;
Fax: (416) 397-5624; Email: jessica.ameyi@toronto.ca

Marc Hardiejowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4960; Fax: (416) 397-5624; Email: marc.hardiejowski@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