

**351 to 365 Royal York Road– Ontario Land Tribunal
Hearing – Request for Directions**

Date: May 31, 2023

To: City Council

From: City Solicitor

Wards: Ward 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 potential litigation.

SUMMARY

On August 11, 2021, the City received a Zoning By-law Amendment application for 351, 353, 355, 357, 359, 361, 363, and 365 Royal York Road (the "Site") to permit the construction of an 11-storey residential building.

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 June 9, 2022.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for July 10-14, 2023. This matter is urgent and cannot be deferred as this is the final City Council Meeting prior to the commencement of the hearing. Furthermore, a with-prejudice settlement offer has been made and expires at the end of the City Council meeting commencing June 14, 2023.

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 and Confidential Appendix "A" 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 August 11, 2021, the City received a Zoning By-law Amendment application to permit the construction of an 11 storey residential building on the Site. The proposed 11 storey residential building would contain 282 dwelling units, two levels of underground parking with 206 vehicular parking spaces and 288 bicycle parking spaces. The proposal sought a floor space index ("FSI") of 5.32 times the area of the lot, and included 870 square metres of non-residential space.

A preliminary report on the application, dated January 27, 2022, can be found at: <https://www.toronto.ca/legdocs/mmis/2022/ey/bgrd/backgroundfile-199293.pdf>

On June 9, 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 October 28, 2022. A hearing is scheduled for July 10 to 14, 2023.

A Request for Direction Report on the application was adopted by City Council on February 7, 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://secure.toronto.ca/council/agenda-item.do?item=2023.EY2.6>

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

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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