



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1466-1500 Bayview Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: June 1, 2023

To: City Council

From: City Solicitor

Wards: Ward 15 - Don Valley West

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 October 28, 2020, the City received a Zoning By-law Amendment application for 1466-1500 Bayview Avenue (the "Site") to permit the construction of a 9 - storey mixed use building containing 156 residential dwelling units and 1,659.5 square metres of retail uses at grade. A portion of the subject site was proposed as a driveway with a surface easement for public access and use instead of a laneway.

On December 23, 2021, the applicant made a resubmission to support a revised proposal of an 8-storey mixed use building containing 153 residential dwelling units and 1,545.6 square metres of retail use at grade. A portion of the subject side was proposed to be conveyed to the City for use as a public laneway.

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 August 5, 2022.

The City Solicitor requires further directions in advance of an upcoming OLT Case Management Conference scheduled for July 10, 2023. For reasons set out in Confidential Attachment 1 consideration of this item is urgent and cannot be deferred.

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 to this report from the City Solicitor, if adopted by City Council and Confidential Appendix "A".
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

A Preliminary Report (January 26, 2021) from the Acting Director, Community Planning, North York District was adopted by the North York Community Council on March 1, 2021, authorizing staff to conduct a community consultation meeting with an expanded notification area. The Preliminary Report can be found at:
[Agenda Item History - 2021.NY22.10 \(toronto.ca\)](#)

A Request for Direction Report on the application (February 1, 2023) from the Director, Community Planning, North York District was adopted by City Council on March 29, 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.NY3.4>

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