

## **33 and 39 Davies Avenue - Zoning By-law Amendment Application - Supplementary Report - Appeal**

Date: June 8, 2023

To: City Council

From: Chief Planner and Executive Director, City Planning

Ward: Ward 14 - Toronto-Danforth

**Planning Application Number: 21 161284 STE 14 OZ**

### **SUMMARY**

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A 15 storey office building is proposed at 33 and 39 Davies Avenue, adjacent to Joel Weeks Park. On May 24, 2023, Toronto and East York Community Council adopted without amendment a report from the Acting Director, Community Planning, Toronto and East York District, which recommended that the application for Zoning By-law Amendment be refused. Also on May 24, 2023, solicitors for 33 and 39 Davies Avenue filed a notice of appeal with the City Clerk, citing Council's failure to make a decision on this application within the prescribed timeframe.

This supplementary report provides revised recommendations given the recent appeal, for Council's consideration.

### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning recommends that

1. City Council delete Toronto and East York Community Council Recommendations 1 and 2, and replace them with the following:

City Council direct the City Solicitor and appropriate staff to attend the Ontario Land Tribunal in opposition to the application regarding the Zoning By-law Amendment appeal for the lands at 33 and 39 Davies Avenue, and to continue discussions with the applicant in an attempt to resolve the issues outlined in the report (May 1, 2023) from the Acting Director, Community Planning, Toronto and East York District.

2. City Council delete Toronto and East York Community Council Recommendation 4.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **DECISION HISTORY**

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On November 24, 2021, Toronto and East York Community Council considered a Preliminary Report for the original 19 storey proposal.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.TE29.34>

On May 24, 2023, Toronto and East York Community Council adopted without amendment a report from the Acting Director, Community Planning, Toronto and East York District, that the application for Zoning By-law Amendment be refused.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE5.11>

## **COMMENTS**

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Staff received notice of the applicant's appeal of Council's failure to make a decision within the prescribed timeframe on May 24, 2023. While Toronto and East York Community Council (TEYCC) had adopted staff's recommendation to refuse the application, Council has not yet had an opportunity to adopt TEYCC's recommendation and a Notice of Refusal has not been issued. Staff are accordingly seeking Council's direction to attend the Ontario Land Tribunal in opposition to the appeal.

## **CONTACT**

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Steven Barber, Senior Planner  
Tel. No. 416-338-8567  
E-mail: [Steven.Barber@toronto.ca](mailto:Steven.Barber@toronto.ca)

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director  
City Planning