



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 1837-1845 Bayview Avenue – Ontario Land Tribunal Hearing – Request for Directions

**Date:** July 4, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 15 – Don Valley West

#### REASON FOR CONFIDENTIAL INFORMATION

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

#### SUMMARY

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On December 17, 2021, the City received a Zoning By-law Amendment for 1837-1845 Bayview Avenue (the "Site") to permit the construction of a 25-storey mixed use building. A Site Plan Control Application was submitted on December 21, 2021.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment and the Site Plan Control application (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on March 21, 2022.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for October 17, 2023 – November 3, 2023. Given imminent procedural filing dates set out in the Procedural Order, and other deadlines addressed in Confidential Attachment 1, this matter is urgent and cannot be deferred.

#### RECOMMENDATIONS

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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 Appendices "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**

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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**

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On December 17, 2021, the City received a Zoning By-law Amendment for the Site to permit the construction of a 25-storey mixed use building. The Preliminary Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-199219.pdf>

On March 21, 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 August 12, 2022. Bayview Broadway Good Planning Inc. was granted party status at the first Case Management Conference. The OLT held a subsequent Case Management Conference on September 20, 2022. A hearing is scheduled for October 17, 2023 – November 3, 2023.

A Request for Direction Report on the application was adopted by City Council on December 14, 2022, 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/ny/bgrd/backgroundfile-230024.pdf>

## **COMMENTS**

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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**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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