

**500 Sheppard Avenue East – Ontario Land Tribunal  
Hearing – Request for Directions**

**Date:** July 6, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 18 - Willowdale

**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 November 8, 2021 the City received Official Plan and Zoning By-law Amendment for 500 Sheppard Avenue East to permit a mixed-use building with two residential towers of 35 and 39 storeys. The applicant subsequently revised its proposed development to increase the heights of the towers to 39 and 43 storeys.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Official Plan and Zoning By-law Amendment, to the Ontario Land Tribunal ("OLT") on June 29, 2022.

The City Solicitor requires further direction for the upcoming OLT hearing scheduled for 5 days from July 10 - 14, 2023. However, on consent of both parties, the hearing will be adjourned until after the City council meeting commencing July 19, 2023. The hearing could be rescheduled before the next council meeting, which is October 11, 2023. Given this timing, this item is urgent and cannot be deferred.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the 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 and Confidential Appendix "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 November 8, 2021 the City received Official Plan and Zoning By-law Amendments for 500 Sheppard Avenue East to permit a mixed-use building with two residential towers of 35 and 39 storeys. The applicant subsequently revised its proposed development to increase the heights of the towers to 39 and 43 storeys. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY31.22>

On June 29, 2022, the applicant appealed City Council's neglect or failure to make a decision on the Official Plan and Zoning By-law Amendment to the OLT. A hearing is scheduled for 5 days from July 10 - 14, 2023. However, it has been adjourned until after the July council meeting but before the October council meeting.

A Request for Direction Report on the application was adopted by City Council on February 7 and 8, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendment applications, 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-231009.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