

**640 Lansdowne Avenue - Zoning By-law Amendment
Application – Ontario Land Tribunal Hearing –
Request for Directions**

Date: July 6, 2023

To: City Council

From: City Solicitor

Wards: Ward 9 - Davenport

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 (the "Application") for 640 Lansdowne Avenue (the "Site") to permit the construction of a seven-storey mixed-use building at 640 Lansdowne Avenue. The Application was made by Magellan Community Charities ("Magellan") respecting the Site, which is under a long term lease with the TTC and the City. The building is proposed to contain 256 long-term care beds, 57 affordable rental dwelling units, and non-residential space on the ground floor fronting Lansdowne Avenue.

On July 19, 20, 21 and 22, 2022, City Council approved the Application and amended the applicable zoning by-law to permit the proposed development, subject to a holding provision requiring servicing and mitigation measures to be addressed. On August 18, 2023, a neighbouring property owner, Nitta Gelatin Canada Inc. ("Nitta") appealed City Council's decision on the Application to the Ontario Land Tribunal (the "OLT").

This matter is urgent as the City Solicitor requires further directions for an upcoming OLT case management conference scheduled for August 11, 2023. This item 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 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 March 27, and 28, 2019, City Council adopted the recommendations in the report titled, "Creating New Affordable Rental Homes and Long-Term Care For Seniors at 640 Lansdowne Avenue" by the Deputy City Manager, Community and Social Services and Deputy City Manager, Corporate Services, dated March 12, 2019. The report and appendices can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-130787.pdf>

At the same meeting, City Council considered the report from the Chief Capital Officer, Toronto Transit Commission on 640 Lansdowne Avenue Lease (Affordable Housing) and Licence (Metrolinx), dated February 27, 2019. The report and appendices can be found here:

<http://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-130788.pdf>

On June 18, and 19, 2019, City Council adopted motion MM 8.52- 640 Lansdowne Avenue - Directing Lease or Rental Revenue to Support Affordable Housing - by Councillor Ana Bailão, seconded by Councillor Gary Crawford. This motion can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.MM8.52>

On August 18, 2021, the City received a Zoning By-law Amendment application to permit the construction of a seven-storey mixed-use building at 640 Lansdowne Avenue. The building is proposed to contain 256 long-term care beds, 57 affordable

rental dwelling units, and non-residential space on the ground floor fronting Lansdowne Avenue. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.TE29.18>

On July 19, 20, 21 and 22, 2022 City Council approved the Application. The Approval Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.19>

On August 18, 2023, Nitta appealed City Council's decision on the Application to the OLT. The OLT has scheduled a Case Management Conference for August 11, 2023.

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