



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1141 Roselawn Avenue - Request for Directions

Date: September 27, 2023

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton-Lawrence

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 December 23, 2021, Official Plan and Zoning By-law Amendment applications were submitted proposing an 11-storey residential building with 9,689 square metres of residential gross floor area, 133 units, 94 vehicle parking spaces, and 163 bicycle parking spaces.

On July 7, 2022, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal (the "OLT"), citing City Council's failure to make a decision on the applications within the prescribed timelines of the *Planning Act*.

At its meeting of March 29, 30, and 31, 2023, City Council directed the City Solicitor to oppose the applications at the OLT.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled to commence on December 6, 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

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, Confidential Appendix "A", and Confidential Appendix "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

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 December 23, 2021, the applicant filed Official Plan and Zoning By-law Amendment applications to permit an 11-storey residential building at 1141 Roselawn Avenue. On April 20, 2022, North York Community Council received a Preliminary Report, and directed staff to continue to work with the applicant to revise the proposal to such a time that the development could be supported by staff. The Preliminary Report can be found at:

[Agenda Item History - 2022.NY31.16 \(toronto.ca\)](#)

On July 7, 2022, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the OLT.

A Request for Direction Report was adopted by City Council on March 29, 30, and 31, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

[Agenda Item History - 2023.NY3.2 \(toronto.ca\)](#)

The OLT held the first Case Management Conference on December 13, 2022, and the second Case Management Conference on April 11, 2023. A hearing is scheduled to commence on December 6, 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 Recommendations and Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information