



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2550 Victoria Park Avenue and 2, 4, 6 Lansing Square – Ontario Land Tribunal Hearing – Request for Directions

Date: September 27, 2023

To: City Council

From: City Solicitor

Wards: Ward 17 - Don Valley North

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 May 30, 2019 an application for an Official Plan Amendment and Zoning By-law was made. The applicant withdrew the Official Plan amendment application on June 1, 2021. On July 14, 2021, City Council considered and approved a revised Zoning By-law Amendment application for 2550 Victoria Park Avenue and 2, 4, 6 Lansing Square (the "Site") to permit the construction of an 18 storey commercial office building, six residential buildings with retail at-grade and with heights of 40 storeys (Tower A), 30 storeys (Tower B), 25 storeys (Tower C) 35 storeys (Tower D), 6 storeys (Building F), and 4 storeys (Building G). The application also contains a new public park, 160 new affordable rental dwelling units and a new street network.

The By-law was enacted and passed by City Council on July 22, 2022, as By-law 1006-2022.

The applicant appealed By-law 1006-2022 (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on August 22, 2022, in order to address certain technical matters and drafting issues.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for November 29 to December 1, 2023.

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 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 May 30, 2019, the City received an Official Plan and Zoning By-law Amendment application to permit redevelopment on the Site and an Official Plan amendment seeking amendments to the ConsumersNext Secondary Plan. The Preliminary Report can be found at:

[Agenda Item History - 2019.NY7.11 \(toronto.ca\)](#)

On March 9, 2020, the OLT approved a settlement related to the ConsumersNext Secondary Plan (OLT Case PL180544) which introduced a site specific policy for the Site and the applicant withdrew their site specific official plan amendment application.

A Final Report on the remaining zoning application was adopted by City Council on July 14, 2021, approving the application. The Final Report can be found at:

[Agenda Item History - 2021.NY25.3 \(toronto.ca\)](#)

On September 26, 2023 the City received a With Prejudice, not confidential, settlement offer from the applicant's lawyers, Stikeman LLP, which is attached as Public Appendix "A" (the "Settlement Offer"). The Settlement Offer contains a revised Zoning By-law (the "Revised By-law"). The Settlement Offer is open until the end of the City Council meeting commencing on October 11, 2023. Should City Council accept the Settlement Offer, the applicant intends to present the Revised By-law to the OLT for approval; otherwise, the offer will become null and void.

The Revised Zoning By-law contains certain modifications to the original Zoning By-law, specifically in relation to the following:

- The Settlement Offer replaces the Open Space (OS) zone in By-law 1006-2022 enacted and passed by City Council on July 22, 2022, with an Open Space - Natural (ON) zone.
- The Settlement Offer removes the provision limiting the gross floor area between Blocks whereas By-law 1006-2022 included maximum gross floor areas for each of Blocks 1, 2, and 3.
- The Settlement Offer provides additional exemptions from the definition of gross floor area that were not included in By-law 1006-2022. Additional exemptions from gross floor area include: waste collection and recycling rooms, storage rooms and areas, electrical, utility, mechanical and ventilation rooms and areas provided at or above ground level, indoor amenity space, among others.
- The Settlement Offer includes a provision restricting balconies to encroach within 3.0 metres of the corner of a Tower whereas By-law 1006-2022, did not include such a provision.
- The Settlement Offer includes provisions for affordable housing units including minimum size and the percentage of one, two, and three-bedroom affordable housing units. By-law 1006-2022 secured the provision of affordable housing units in the associated Schedule 'A' only.
- The Settlement Offer includes a provision to permit indoor and outdoor common amenity space be provided on all Blocks in the development as long as the minimum common amenity space requirements are met, whereas By-law 1006-2022 required all common amenity space be provided on the same block as the building.
- The Settlement Offer adds a provision restricting commercial uses in the EO zone to a maximum of 15,317.40 square metres whereas By-law 1006-2022 had no restriction.

As part of the Settlement Offer, the applicant has agreed to withdraw its appeal of certain portions of the By-law passed by City Council on July 22, 2022, specifically Section 14 and Schedule "A" of the Zoning By-law that pertain to the community benefits under Section 37 of the *Planning Act*.

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. Public Appendix "A" - Letter from Jonathan S. Cheng, dated September 26, 2023 containing With Prejudice Settlement Offer, including revised draft Zoning By-law
2. Confidential Attachment 1 - Confidential Information