



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 529-543 Marlee Avenue and 805-819 Glencairn Avenue - Request for Directions

**Date:** September 28, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 8 - Eglinton-Lawrence

#### 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 29, 2021, Official Plan and Zoning By-law Amendment applications were submitted proposing a 28-storey (89.5 metres excluding mechanical penthouse) mixed-use building with 306 residential dwelling units and retail uses at grade. The proposal also included an on-site parkland dedication. A Site Plan Control application was submitted on December 1, 2021.

On May 27, 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 February 6 and 7, 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 February 5, 2024. 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, 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**

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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 29, 2021, the applicant filed Official Plan and Zoning By-law Amendment applications to permit a 28-storey mix-use building at 529-543 Marlee Avenue and 805-819 Glencairn Avenue. A Site Plan Control application was submitted on December 1, 2021. On February 23, 2022, North York Community Council received a Preliminary Report, and directed staff to schedule a community consultation meeting. The Preliminary Report can be found at:

[Agenda Item History - 2022.NY30.14 \(toronto.ca\)](#)

On May 27, 2022, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the OLT.

An Appeal Report was adopted by City Council on February 6 and 7, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the applications, 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.NY2.2 \(toronto.ca\)](#)

The OLT held the first Case Management Conference on August 31, 2022, and the second Case Management Conference on January 10, 2023. A hearing is scheduled to commence on February 5, 2024.

## **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 Recommendations and Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information