

**150-160 Cactus Avenue– Ontario Land Tribunal  
Hearing – Request for Directions**

**Date:** October 26, 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 October 18, 2021, the City received an Official Plan and Zoning By-law Amendment application for 150-160 Cactus Avenue (the "Site") to permit the construction of a 12-storey (46.05 metres) apartment building, a 15-storey (55.30 metres) apartment building, and two blocks of 4-storey (14.85 metres) back-to-back stacked townhouses.

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 (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on May 31, 2023.

The City Solicitor requires further directions for an upcoming OLT hearing event scheduled for November 22, 2023. 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 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 October 18, 2021, the City received an Official Plan and Zoning By-law Amendment application to permit the construction of a 12-storey (46.05 metres) apartment building, a 15-storey (55.30 metres) apartment building, and two blocks of 4-storey (14.85 metres) back-to-back stacked townhouses. The Preliminary Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY29.9>

On May 31, 2023, 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. The OLT held the first Case Management Conference on August. 16, 2023. A second Case Management Conference is scheduled for November 22, 2023.

A Request for Direction Report on the application was adopted by City Council on October 11, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.NY7.9>

## **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