



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1736-1746 Weston Road – Ontario Land Tribunal Hearing – Request for Directions

Date: October 26, 2023

To: City Council

From: City Solicitor

Ward: Ward 5 -York South-Weston

Planning Application Number: 22 111715 WET 05 OZ

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 February 7, 2022, the City received a Zoning By-law Amendment application for 1736-1746 Weston Road (the "Site") to permit a 25-storey mixed-use development containing 253 dwelling units and 472 square metres of non-residential floor area.

On November 24, 2022, the applicant appealed City Council's neglect or failure to make a decision on the application to the Ontario Land Tribunal (the "OLT").

On February 8, 2023, the applicant provided a With Prejudice resubmission proposing a 40-storey mixed-use development containing 446 residential units and 444 square metres of non-residential floor area.

An OLT case management conference took place on March 31, 2023, and a nine-day hearing is scheduled to commence on February 20, 2024.

The City Solicitor requires further direction for the upcoming OLT hearing. This matter is urgent as it is the last opportunity to get instruction from City Council in advance of established procedural exchange dates.

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 Appendices "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

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

In February 2022 the City received a zoning by-law amendment application to permit redevelopment of the Site, with a 25-storey mixed-use building including a 6-storey base.

A Preliminary Report, dated April 29, 2022, was considered by Etobicoke York Community Council on May 27, 2022. The Preliminary Report can be found here: <https://www.toronto.ca/legdocs/mmis/2022/ey/bgrd/backgroundfile-225954.pdf>

On February 8, 2023, the applicant provided a With Prejudice resubmission of the application to permit a 40-storey mixed-use development containing 446 residential units and 444 square metres of non-residential floor area.

An Appeal Report on the application as amended was adopted by City Council on May 10, 11 and 12, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing in opposition to the Zoning By-law Amendment application in its current form, and to continue discussions with the applicant to address the staff concerns as outlined in the report. The Request for Direction Report can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.EY4.1>

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
3. Confidential Appendix "B" – Confidential Information