

## **1 Richview Road – Ontario Land Tribunal Hearing – Request for Directions**

**Date:** October 26, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 2 - Etobicoke Centre

### **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 December 20, 2018, the City received a Zoning By-law Amendment application for 1 Richview Road (the "Site") to permit the construction of one new 21-storey building on a site containing two existing 20-storey rental apartment buildings. Subsequently, the applicant revised the proposal and submitted for review a new 29-storey purpose-built rental apartment building containing a total gross floor area of 23,369 square metres, 306 residential units, indoor and outdoor amenity space, with parking provided through reconfiguration of the existing underground parking garage, new structure, and surface parking. The two existing 20-storey rental apartment buildings will be retained, with enhancements to the existing outdoor amenity space and parking area proposed (the "Application").

The applicant appealed City Council's neglect or failure to make a decision on its Application (the "Appeal") to the Ontario Land Tribunal (the "OLT") on June 7, 2023. On September 27, 2023, the OLT held a first Case Management Conference (CMC) in respect of the Appeal and scheduled a five (5) day hearing to commence on May 6, 2024 and a further CMC on January 10, 2024, requiring the City and the applicant to file a final Procedural Order with the City's issues with the OLT by January 5, 2024.

The City Solicitor requires further directions for the upcoming OLT hearing, and related procedural requirements in advance of the January 5, 2023 CMC.

## 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 December 20, 2018, the City received a Zoning By-law Amendment application to permit the construction of one new 21-storey building on the site. Subsequently, the applicant revised the proposal and submitted for review a new 29-storey purpose-built rental apartment building containing a total gross floor area of 23,369 square metres, 306 residential units, indoor and outdoor amenity space, with parking provided through reconfiguration of the existing underground parking garage, new structure, and surface parking. The two existing 20-storey rental apartment buildings will be retained, with enhancements to the existing outdoor amenity space and parking area proposed.

On March 19, 2019, the Etobicoke York Community Council considered the Preliminary Report on the subject application, authorizing staff to conduct a Community Consultation Meeting. The decision document can be found here:  
<https://secure.toronto.ca/council/agenda-item.do?item=2019.EY4.3>

On June 7, 2023, the applicant appealed the application to the Ontario Land Tribunal (OLT) due to City Council's failure to make a decision within the timeframe specified in the *Planning Act*. The OLT held the first Case Management Conference on September 27, 2023. An OLT hearing is scheduled for May 6, 2024, with a further CMC scheduled on January 10, 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 Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information