



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

6167 Yonge Street, 10 Newton Drive and 9 Madawaska Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: October 30, 2023
To: City Council
From: City Solicitor
Wards: Ward 18 - Willowdale

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 11, 2022, an application to amend the Official Plan, the former City of North York Zoning By-law 7625, and City-wide Zoning By-law 569-2013 was submitted to permit two 14-storey (53.8 metres including mechanical penthouse) mixed use buildings at 6167 Yonge Street, 10 Newton Drive and 9 Madawaska Avenue. The applicant also submitted an application for Site Plan Approval on February 11, 2022.

The proposal would provide 549 residential units and 998 square metres of at-grade retail. The overall proposed gross floor area is 38,810 square metres, which would result in a density of 5.98 times the lot area. Driveways would be provided on the east side of the proposed buildings extending north-south through the lands, with vehicular access provided from Newton Drive and Madawaska Avenue. A total of 273 parking spaces are proposed within two levels of underground parking, along with a total of 550 bicycle spaces.

The City Solicitor requires further direction for the upcoming OLT hearing scheduled to commence December 4, 2023 for 5 days. Given this timing, this item is urgent and cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 and Confidential Appendix "A" 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 February 11, 2022, an application to amend the Official Plan, the former City of North York Zoning By-law 7625, and City-wide Zoning By-law 569-2013 was submitted to permit two 14-storey (53.8 metres including mechanical penthouse) mixed use buildings at 6167 Yonge Street, 10 Newton Drive and 9 Madawaska Avenue. The Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY3.6>

On November 29, 2022, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal, citing Council's failure to make a decision within the prescribed time frames in the *Planning Act*. The application for Site Plan Approval has not been appealed.

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