

**975 Danforth Avenue – Ontario Land Tribunal Hearing
– Request for Directions**

Date: November 29, 2023

To: City Council

From: City Solicitor

Wards: Ward 14 - Toronto - Danforth

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 April 29, 2022, the City received a Zoning By-law Amendment application for 975 Danforth Avenue (the "Site") to permit the construction of a 10-storey mixed-use building with commercial uses on the ground floor and 57 dwelling units above.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on November 18, 2022.

The City Solicitor requires further directions for an upcoming 5-day OLT hearing scheduled for February 26, 2024. This matter is urgent and should not 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 to this report from the City Solicitor and Confidential Appendix "A", 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 April 29, 2022, the City received a Zoning By-law Amendment application to permit a 10-storey mixed-use building with commercial uses on the ground floor and 57 dwelling units above. The proposal includes 4,076.5 square metres of residential gross floor area (GFA). Of the 57 dwelling units proposed, 12 are studio units (21.1 percent), 23 are one bedroom units (40.3 percent), 14 are two-bedroom units (24.5 percent) and 8 are three-bedroom units (14.1 percent). A total of 8 vehicular parking spaces (6 residents, 2 visitors) are proposed on the ground floor at the rear of the building with traditional parking spots and a parking stacker. The development includes 64 bicycle parking spaces: 54 long term and 10 short term spaces.

On November 18, 2022, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on March 8, 2023. A hearing is scheduled for February 26, 2024.

A Request for Direction Report on the application was adopted by City Council on March 29, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the 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.TE3.6#>

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