



# REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

## 2451 Dufferin Street - Request for Directions

**Date:** November 30, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 8 - Eglinton-Lawrence

### 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 31, 2021, a Zoning By-law Amendment application was submitted proposing a 20-storey mixed use building (65.3 metres, including 5.5 metre mechanical penthouse) containing 462 dwelling units and 706 square metres of commercial space on the ground floor.

On November 14, 2022, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (the "OLT"), citing City Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*.

At its meeting of May 10, 11, and 12, 2023, City Council directed the City Solicitor to oppose the application at the OLT.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled to commence on April 22, 2024. Given imminent procedural filing dates set out in the Procedural Order, and other deadlines addressed in Confidential Attachment 1, 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, Confidential Appendix "A", and Confidential Appendix "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 31, 2021, the applicant filed a Zoning By-law Amendment application to permit a 20-storey mixed use building at 2451 Dufferin Street. On February 23, 2022, North York Community Council received a Preliminary Report, and directed staff to schedule a community consultation meeting for the application. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY30.11>

On November 14, 2022, the applicant appealed the Zoning By-law Amendment application to the OLT.

A Request for Direction Report 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 to oppose the 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.NY4.5>

The OLT held the first Case Management Conference on February 22, 2023, and the second Case Management Conference on May 31, 2023. A hearing is scheduled to commence on April 22, 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