



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

4174 Dundas Street West - Request for Directions

Date: December 6, 2023

To: City Council

From: City Solicitor

Wards: Ward 2 - Etobicoke Centre

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 August 31, 2021, a Zoning By-law Amendment application was submitted proposing a 15-storey residential building with 117 units, a gross floor area of 13,194 square metres and a density of 6.4 times the area of the lot.

On December 23, 2021, 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 June 15 and 16, 2022, City Council directed the City Solicitor to oppose the application at the OLT.

On July 22, 2022, the applicant submitted an Official Plan Amendment application in support of its Zoning By-law Amendment Application. This application was appealed to the OLT on November 21, 2022, and the two appeals were consolidated at the OLT.

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

The City Solicitor requires further directions for the upcoming OLT hearing scheduled to commence on February 12, 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

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, 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

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 August 31, 2021, the applicant filed a Zoning By-law Amendment application to permit a 15-storey residential building at 4174 Dundas Street West. On December 23, 2021, the applicant appealed the Zoning By-law Amendment Application to the OLT.

A Request for Direction Report was adopted by City Council on June 15 and 16, 2022, 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: [Agenda Item History - 2022.EY32.3 \(toronto.ca\)](#)

On July 22, 2022, the applicant filed an Official Plan Amendment application in support of its Zoning By-law Amendment application. On November 21, 2022, the applicant appealed the Official Plan 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 appealed applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at: [Agenda Item History - 2023.EY4.2 \(toronto.ca\)](#)

The OLT held the first Case Management Conference on July 12, 2022, the second on February 6, 2023, and the third on July 5, 2023. A hearing is scheduled to commence on February 12, 2024.

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