



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 20 Broadoaks Drive and 11 Catford Road – Ontario Land Tribunal Hearing – Supplementary Request for Directions

**Date:** September 5, 2023

**To:** City Council

**From:** City Solicitor

**Ward:** Ward 7 – Humber River-Black Creek

### 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 November 9, 2021, the City received Official Plan and Zoning By-law Amendment applications for 20 Broadoaks Drive and 11 Catford Road (the "Site") to permit infill development consisting of a 12-storey mixed-use building fronting on Keele Street, two residential towers of 18 and 30 storeys connected by a six-storey base building in the middle of the Site, and two four-storey residential townhouse blocks at the corner of Catford Road and Derrydown Drive. The existing apartment buildings on the Site would be retained.

The applicant appealed City Council's neglect or failure to make a decision on the applications to the Ontario Land Tribunal (the "OLT") on May 12, 2022 (the "Appeals"). A request for direction Report from the City Solicitor (July 5, 2023) seeking direction in respect of the upcoming hearing was deferred at the July 19 and 20, 2023 City Council meeting. Since then there have been further discussions between the proponent, existing tenants, City staff, and the local Councillor's office. The City Solicitor received an Addendum to the June 19, 2023 Settlement Offer dated September 1, 2023 (the "Addendum"). The Addendum addresses parkland and tenant improvements and communication.

The City Solicitor requires direction for the upcoming OLT hearing, which is scheduled to commence on October 23, 2023. This matter is urgent as it is the last opportunity to get instruction from City Council in advance of established procedural exchange dates. This item cannot be deferred.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council delete the recommendations contained in the Confidential Attachment 1 to the report (July 5, 2023) from the City Solicitor and adopt instead the recommendations contained in Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 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 and in Confidential Attachment 1 to the July 5, 2023 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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The decision history is outlined in detail in the Request for Directions Report (July 5, 2023) from the City Solicitor, which can be found here: [Report from the City Solicitor on 20 Broadoaks Drive and 11 Catford Road - Ontario Land Tribunal Hearing - Request for Directions \(toronto.ca\)](#)

At its July 19 and 20, 2023 meeting, City Council deferred consideration of the request for directions report from the City Solicitor to the September 6, 2023 City Council meeting.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.18>

## COMMENTS

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### Parkland

The Addendum confirms that the 650 square metres of "potential over-dedication of parkland" that was shown on the Revised Plans that accompanied the Settlement Offer would be provided to the City, in addition to the 1,600 square metre parkland dedication otherwise identified, in satisfaction of the parkland dedication requirement without a requirement for additional compensation or development credits from the City.

## Tenant Improvements

The Addendum further elaborates on and confirms the owner's agreement to construct and provide improvements to the existing rental buildings of which the costs shall not be passed on to tenants of the existing building in any form.

The improvements proposed are in response to a tenant survey administered in May 2023 and pursuant to further recent and ongoing consultation with tenants and the local Councillor's office, and include:

- Enclosing and screening existing garbage/recycling collection areas associated with the existing buildings.
- Providing bicycle storage for existing tenants within the existing buildings on the basement level.
- Providing storage lockers for existing tenants within the existing buildings on the basement level.
- Providing dedicated private outdoor amenity area for existing buildings (for example: playground, barbecue areas, seating). Certain of these areas would be exclusive to existing tenants of 11 Catford Road and 20 Broadoaks Drive, and will be designed in consultation with those tenants.
- Providing access to a component of the indoor amenity area at the ground level within the new development.
- Lobby and interior improvements (for example: new furnishings, repainting, more/improved seating, improved lighting, new flooring/carpets).
- Accessibility improvements (for example: the existing tenants have identified potential improvements such as: wheelchair accessible ramps in the hall between the basement parking garage and elevators, signage next to the existing lobby entrance ramps to prevent cars from blocking the ramps, the provision of accessible parking as part of the development, garbage and recycling bins that are accessible and easy to use for those that do not have fine motor skills, accessible passenger and visitor drop-off locations to the lobby of the 11 Catford Road building, and automatic opening doors on principal points of access to the existing buildings with key-card access to ensure both accessibility and security).

In addition to the above noted improvements, the Addendum also commits to the development of a Construction Mitigation and Tenant Communication Plan (to the satisfaction of the Chief Planner) to mitigate the impacts of construction of the

development on the existing tenants, as well as a commitment to host future meetings with tenants to discuss the improvement and other details of the Site Plan Approval process (for example: landscape details, timing and phasing of construction, etc.).

The City Solicitor requires 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. Public Attachment 1 – Addendum Letter from Overland LLP dated September 1, 2023 containing updated details pertaining to parkland dedication and tenant improvements
2. Confidential Attachment 1 - Confidential Information