



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

25 Old York Mills Road – Official Plan and Zoning By-law Amendment Application – Ontario Land Tribunal Hearing – Request for Directions

Date: September 27, 2023

To: City Council

From: City Solicitor

Wards: Ward 15 - Don Valley West

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 July 19, 2022, the City received Official Plan and Zoning By-law Amendment applications for 25 Old York Mills Road (the "Site") to permit the construction of a 12-storey (38.05 metres, plus 4.5 metres for the mechanical penthouse) mixed-use building.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Official Plan and Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on January 6, 2023.

Two Case Management Conferences ("CMC's") have taken place, and a hearing was scheduled to commence on November 15, 2023. The Toronto Region Conservation Authority (the "TRCA") and two residents associations, the Townhomes of Hogg's Hollow Community Association and the York Mills Valley Association, were granted party status, and two individuals obtained participant status.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for November 15, 2023.

RECOMMENDATIONS

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 in Confidential Attachment 1 and Confidential Appendix "A" to this Report from the City Solicitor if the confidential recommendations in Confidential Attachment 1 are 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 July 19, 2022, the City received Official Plan and Zoning By-law Amendment application for the Site to permit the construction of a 12-storey mixed-use building including residential uses, a place of worship with multifunction space, a commercial community space, and a child care centre.

On January 6, 2023, the applicant appealed City Council's neglect or failure to make a decision on the applications to the OLT. The OLT held a Case Management Conference on June 27, 2023. A hearing is scheduled to commence on November 15, 2023.

An Appeal Report on the applications was adopted by City Council on May 10, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendment applications, 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.NY4.7>

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