



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1265 Wilson Avenue - Request for Directions

Date: January 24, 2024
To: City Council
From: City Solicitor
Wards: Ward 6 - York 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 November 1, 2021, a Zoning By-law Amendment application was submitted proposing a 12-storey residential building (38.2 metres excluding a mechanical penthouse) fronting along Wilson Avenue, and a 25-storey residential building (78.8 metres with an additional 6.0 metre mechanical penthouse) at the south end of the property. The two buildings would be connected with other building elements of varying heights.

On December 9, 2022, a revised Zoning By-law Amendment application was submitted proposing an 11-storey residential building (35.29 metres excluding a mechanical penthouse) fronting along Wilson Avenue, with a 27-storey residential building (85.485 metres with an additional 6.0 metre mechanical penthouse) at the south end of the property.

On June 30, 2023, the applicant appealed the revised 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 November 8 and 9, 2023, City Council directed the City Solicitor to oppose the application at the OLT.

The City Solicitor requires further directions for the OLT hearing to be scheduled imminently. Given 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 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", Confidential Appendix "B", and Confidential Appendix "C" 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 November 1, 2021, the applicant filed a Zoning By-law Amendment application to permit a 12-storey residential building (38.2 metres excluding a mechanical penthouse) fronting along Wilson Avenue and a 25-storey residential building (78.8 metres with an additional 6.0 metre mechanical penthouse) at the south end of the property. On January 6, 2022, North York Community Council received a Preliminary Report. The report was adopted with amendments, directing staff to not schedule a community consultation meeting until the applicant had the opportunity to modify the application taking into consideration an adjacent development, the Mid-Rise Building guidelines, and to continue discussions with staff and the local councillor. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY29.8>

On December 9, 2022, the applicant filed a revised Zoning By-law Amendment application to permit an 11-storey residential building (35.285 metres excluding a mechanical penthouse) and a 27-storey residential building (85.485 metres with an additional 6.0 metre mechanical penthouse).

On June 30, 2023, the applicant appealed the revised Zoning By-law Amendment application to the OLT.

A Request for Direction Report was adopted by City Council on November 8 and 9, 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.NY8.5>

The OLT held the first Case Management Conference on September 27, 2023, and the second Case Management Conference is scheduled for January 30, 2024. It is anticipated the hearing will be scheduled at the second Case Management Conference.

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

Kasia Czajkowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-5725; Fax: (416) 397-5624; Email: Kasia.Czajkowski@toronto.ca

Ultra Gautam, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 396-7986; Fax: (416) 397-5624; Email: Ultra.Gautam@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information