

141 Roehampton Avenue - Request for Directions

Date: January 25, 2024

To: City Council

From: City Solicitor

Wards: Ward 12 – Toronto - St. Paul's

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 June 28, 2022, a Zoning By-law Amendment application was submitted to the City for the property at 141 Roehampton Avenue proposing a 48-storey (152.0 metres excluding mechanical penthouse) residential building that contains 614 dwelling units.

On May 12, 2023, a revised Zoning By-law Amendment application was submitted which increased the proposed height of the building to 58-storeys (179.6 metres excluding mechanical penthouse), with 809 dwelling units and a revised built form and massing.

On May 24, 2023, 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*.

On January 19, 2024, the City Solicitor received a "with prejudice" settlement offer, consisting of the correspondence attached to this report as Public Appendix "A" and the architectural plans and drawings attached to this report as Public Appendix "B" (the "Settlement Offer"), which proposes to modify the Zoning By-law Amendment application.

The Settlement Offer is open until the end of the City Council meeting commencing on February 6, 2024, at which point it will be withdrawn. The City Solicitor requires further directions for the OLT hearing. Given the deadline for the Settlement Offer, 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 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 June 28, 2022, the City received a Zoning By-law Amendment application to permit a 48-storey residential building at 141 Roehampton Avenue that contains 614 dwelling units.

On May 12, 2023, the applicant submitted a revised Zoning By-law Amendment application to the City to increase the height of the building to 58-storeys, and make other built form revisions.

On May 24, 2023, the applicant appealed City Council's failure to make a decision on the application to the OLT.

A Request for Direction Report was adopted by City Council on December 13, 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: [Agenda Item History - 2023.TE9.24 \(toronto.ca\)](#)

The OLT held the first Case Management Conference on September 14, 2023, and the second Case Management Conference is scheduled for January 25, 2024. It is anticipated that the hearing will be scheduled at the second Case Management Conference.

On January 19, 2024, the City received the Settlement Offer from the applicant's lawyers, Aird & Berlis LLP, which is attached as Public Appendix "A" to this report (the letter), and Public Appendix "B" (the architectural drawings and plans). The Settlement Offer is open until the end of the City Council meeting commencing on February 6, 2024. Should City Council accept the Settlement Offer, the applicant intends to present the revised plans to the OLT for approval; otherwise, the offer will become null and void.

In response to the concerns raised by City staff with the applicant, the revised plans include a number of modifications. This table provides a comparison of the original proposal and the Settlement Offer:

	Original Proposal	Settlement Offer
Overall Building Height	48 storeys (152.0 metres excluding mechanical penthouse)	58 storeys (179.6 metres excluding mechanical penthouse)
Base Building Height (storeys/metres)	6 storeys (22.5 metres)	Eastern portion: 6 storeys (23.0 metres) Western portion: 4 storeys (17.0 metres)
Balconies	No restrictions	Podium: No projecting balconies on east and west podium faces Tower: Non-continuous and no wrap-around balcony projections
Total Gross Floor Area	36,850 square metres	47,620 square metres
Floor Space Index (times the site area)	12.46	16.1
Overall Unit Mix		
Studio	5 units	0 units
1-Bedroom	398 units	567 units
2-Bedroom	148 units	119 units
3-Bedroom	63 units	72 units
Total	614 units	758 units
Indoor Amenity Space	1,192.9 square metres (1.9 square metres per dwelling unit)	915 square metres (1.21 square metres per dwelling unit)
Outdoor Amenity Space	864.8 square metres (1.4 square metres per dwelling unit)	402 square metres (0.53 square metres per dwelling unit)
Vehicular Parking		
Resident	120 spaces	88 spaces
Visitor	5 spaces	19 spaces
Total	125 spaces	107 spaces
Bicycle Parking		
Resident	553 spaces	683 spaces
Visitor	61 spaces	79 spaces

	Original Proposal	Settlement Offer
Setback on Roehampton Avenue	7.5 metres	7.5 metres
West Side Yard Setback	5.65 metres	9.4 metres
East Side Yard Setback	12.09 metres	7.9 metres
Rear Yard Setback	3.0 metres	5.5 metres

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. Public Appendix "A" - Letter from Aird & Berlis LLP, dated January 19, 2024, containing the With Prejudice Settlement Offer
2. Public Appendix "B" - Architectural Plans prepared by Wallman Architects, dated January 19, 2024
3. Confidential Attachment 1 - Confidential Recommendations and Confidential Information