

1840 Bayview Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: March 5, 2024

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 December 6, 2022, the City received a Zoning By-law Amendment application for 1840 Bayview Avenue (the "Site") to permit the construction of a 34-storey mixed-use building.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on March 16, 2023.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for May 27, 2024 to June 7, 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 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 and Confidential Appendix "A" 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 December 6, 2022, the City received a Zoning By-law Amendment application to permit a 34-storey mixed-use building with 24,103 square metres of residential gross floor area for a total of 377 units, and 202 square metres of ground floor retail fronting onto Bayview Avenue.

On March 16, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on July 11, 2023. Broadway Area Residents Association and Glaze Dev LP, the abutting property owner of 2-20 Glazebrook Avenue, were granted party status. Several individuals also obtained participant status. A hearing is scheduled for May 27, 2024 to June 7, 2024.

A Request for Direction Report on the application was adopted by City Council on July 19 and 20, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment 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://www.toronto.ca/legdocs/mmis/2023/ny/bgrd/backgroundfile-237013.pdf>

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

Jessica Braun, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-7237;
Fax: (416) 397-5624; Email: Jessica.Braun@toronto.ca

Michelle LaFortune, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-
0642; Fax: (416) 397-5624; Email: Michelle.LaFortune@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" – Confidential Information