

**1366 Yonge Street – Ontario Land Tribunal Hearing –
Request for Directions**

Date: April 3, 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 September 2, 2022, the City received an Official Plan Amendment and Zoning By-law Amendment application for 1366 Yonge Street (the "Site") to permit the construction of a 41-storey mixed-use building containing 489 dwelling units.

The applicant appealed City Council's refusal of the Official Plan Amendment and Zoning By-law Amendment application (the "Appeal") to the Ontario Land Tribunal (the "OLT") on May 17, 2023.

On January 15, 2024, the applicant submitted revised plans to the OLT for the Site to permit the construction of a 49-storey mixed-use building containing 625 dwelling units.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled to commence on May 27, 2024. 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" and Confidential Appendix "B" 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 September 2, 2022, the City received an Official Plan Amendment and Zoning By-law Amendment application to permit the construction of a 41-storey (135 metres, including mechanical penthouse) mixed-use building containing 100 square metres of commercial space and 489 dwelling units. Vehicle access would be provided on Balmoral Avenue, with two vehicle parking spaces provided on the ground floor, and 500 bicycle parking spaces provided at various locations throughout the building.

A Decision Report - Refusal on the application was adopted by City Council at its meeting of May 10, 11, and 12, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing in support of City Council's decision to refuse the Official Plan Amendment and Zoning By-law Amendment application, in the event the application was appealed to the OLT. The Decision Report - Refusal can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE4.16>

On May 17, 2023, the applicant appealed City Council's refusal of the Official Plan Amendment and Zoning By-law Amendment application to the OLT. The OLT held the first Case Management Conference on August 30, 2023. On January 15, 2024, the applicant submitted revised plans to the OLT. A hearing is scheduled for two weeks commencing on May 27, 2024.

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
3. Confidential Appendix "B" - Confidential Information