

**151 and 161-181 Mulock Avenue and 6 Lloyd Avenue –
Ontario Land Tribunal Hearing – Request for
Directions**

Date: April 5, 2024

To: City Council

From: City Solicitor

Wards: Ward 5 - York- South-Weston

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

In 2014, the City received a Zoning By-law Amendment application for 151 and 161-181 Mulock Avenue and 6 Lloyd Avenue (the "Site") to permit the construction of a mixed use development consisting of two residential towers of fifteen and eighteen storeys and one four storey office 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 November 4, 2022

The City Solicitor requires further directions for upcoming OLT hearings scheduled for April 22, 2024.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in 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

In 2014, the City received a Zoning By-law Amendment application to permit a mixed use development of consisting of two residential towers of fifteen and eighteen storeys and one four storey office building. The Preliminary Report can be found at: [Agenda Item History - 2014.PG33.9 \(toronto.ca\)](#)

A Request for Direction Report on the application was adopted by City Council on July 14, 2021 approving a revised proposal of a mixed use proposal on the subject site. The Request for Direction Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2021.EY25.2>

The applicant subsequently submitted a revised proposal with increased height and density than the proposal approved by Council in EY25.2, above. The pre-conditions for the issuance of the Bills for the July 14, 2021 approval were not satisfied.

On November 4, 2022 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 February 16, 2023. A hearing is scheduled for April 22, 2024.

On May 19, 2023, the City received a With Prejudice revised proposal for two residential buildings with heights of 44 and 31 storeys containing 1102 dwelling units, one office building with a height of eight storeys and an 842 square metre public park on the southwest portion of the site. The proposed buildings would result in a gross floor area of 43,745 square metres consisting of 66,405 square metres for residential use, resulting in 1102 dwelling units, and 9,572 square metres for non-residential uses. A Floor Space Index of 9.45 times the area of the lot was proposed.

On October 11, 2023 City Council adopted an Appeal Report directing the City Solicitor and appropriate City staff to oppose the revised proposal. The Appeal Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY7.6>

On January 5, 2024, City staff entered into discussions with the applicant, based on the City Council direction.

On April 5, 2024, the City received a With Prejudice, not confidential, settlement offer from the applicant's lawyers, Overland LLP, which is attached as Public Appendix "A" (the "Settlement Offer"). The Settlement Offer contains revised plans (the "Revised Plans"). The Settlement Offer is open until the end of the City Council meeting commencing on April 17, 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, set out in the comparison chart below.

	June 4, 2021	May 19, 2022	April 5, 2024
North Tower			
Number of storeys	15 (47.2 metres excluding mechanical penthouse)	44 (126 metres excluding mechanical penthouse)	35 (118 metres inclusive of mechanical penthouse)
Base Building	4 storeys (12.75 metres)	4 storeys (12.75 metres)	4 storeys (15.3 metres)
Tower Floorplate		750 square metres	750 square metres
South Tower			
Number of storeys	17 (53.1 metres excluding mechanical penthouse)	31 (96.75 metres excluding mechanical penthouse)	28 (88 metres inclusive of mechanical penthouse)
Base Building	4 storeys (12.75 metres)	4 storeys (12.75 metres)	4 storeys (15.3 metres)
Tower Floorplate		750 square metres	750 square metres

	June 4, 2021	May 19, 2022	April 5, 2024
Office Building			
Number of storeys	8 (32.1 metres including mechanical penthouse)	8 (31.5 metres excluding mechanical penthouse)	8 (34 metres excluding mechanical penthouse)
Setbacks: North South East West	9.7 metres 0.5 to 2.4 metres 1.2 to 19.1 metres 1.3 to 29.9 metres	9.7 metres 0.5 to 2.4 metres 1.2 to 19.1 metres 1.3 to 28.1 metres	9.7 metres 2.2metre 1.0 to 19 metres 2 to 35.3 metres
Unit Mix	Bachelor: 30 (5 percent) 1-Bedroom: 346 (65 percent) 2-Bedroom: 106 (20 percent) 3-Bedroom: 53 (10 percent)	Bachelor: 67 (6 percent) 1-Bedroom: 753 (68 percent) 2-Bedroom: 175 (16 percent) 3-Bedroom: 107 (10 percent)	2-Bedroom: minimum = 160 (15.4 percent) 3-Bedroom: minimum = 104 (10 percent)
Park	868 square metres	842 square metres	880 square metres
Indoor Amenity	1,070 square metres	2,168 square metres	2,072 square metres
Outdoor Amenity	1,070 square metres	2,204 square metres	1,968 square metres
Residential GFA	43,644 square metres	66,405 square metres	60,426 square metres
Non-Residential GFA	8,955 square metres	9,572 square metres	8,425 square metres
Private Daycare Area	N/A	N/A	983 square 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. This report is urgent because this matter is scheduled for a hearing on April 22, 2024.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Appendix "A" - With Prejudice Settlement Offer from Overland LLP dated April 5, 2024, including Revised Architectural Plans
2. Confidential Attachment 1 - Confidential Information