

## **10-18 Abitibi Avenue– Ontario Land Tribunal Hearing – Request for Directions**

**Date:** May 6, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 18 - Willowdale

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

### **SUMMARY**

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On July 7, 2023, the City received a Zoning By-law Amendment and Official Plan Amendment application for 10-18 Abitibi Avenue (the "Site") to permit the construction of a 50- storey (169.4 metres) mixed use building, containing 534 residential units and a residential gross floor area of 35,677.4 square metres. The application was deemed complete on September 7, 2023.

During its meeting of December 13, 2023, City Council directed that the Zoning By-law Amendment and Official Plan Amendment be refused in its current form, and in the event the applications were appealed to the Ontario Land Tribunal (the "OLT"), City Council pursuant to subsections 22(8.1) and 34(11.0.0.1) of the *Planning Act*, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Official Plan Amendment and Zoning By-law Amendment applications, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

The Owner appealed City Council's refusal to the OLT on January 22, 2024 and the appeal materials were forwarded to the OLT after the seventy-five day period set out in Subsections 22(8.1) and 34(11.0.0.1) elapsed.

It is anticipated that the OLT will schedule a Case Management Conference ("CMC") in this matter shortly.

The City Solicitor requires further direction in the OLT proceeding.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential 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 Confidential Attachment 1 and Appendix "A" and "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

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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

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On December 13, 2023, a Refusal Report on the application was adopted by City Council. The Refusal Report can be found at:  
[10-18 Abitibi Avenue – Official Plan Amendment and Zoning By-law Amendment – Decision Report –Refusal \(toronto.ca\)](#)

## COMMENTS

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The application for the Site proposes to amend the Official Plan and Zoning By-laws to permit a 50-storey residential building with retail uses at-grade. The proposed building is 50 storeys, or 169.4 metres including the mechanical penthouse. It includes a 45-storey tower element and a five-storey podium. The proposal has a density of 16.2 FSI.

The proposed building includes 534 residential units, with a total gross floor area of 35,677.4 square metres.

The proposed access to the site is from Abitibi Avenue. A 6.0 metre driveway is located on the west side of the proposed building enclosed within a one-storey structure. One Type 'C' loading space and one Type 'G' loading space are provided on site. The proposal includes three levels of underground parking with a total of 97 vehicle parking spaces, including 28 visitor parking spaces. An additional two parking spaces are provided at-grade for pick-up and drop-off.

City Council refused the proposal at its meeting of December 13, 2023 and engaged subsections 22(8.1) and 34(11.0.0.1) of the *Planning Act* aimed at encouraging further discussion of outstanding matters using mediation, conciliation or other dispute resolution techniques. As a result, delivery of the appeal to the OLT was delayed to permit additional time for discussion between the Owner and the City. The appeal materials have now been delivered to the OLT, and it is expected that the first CMC will be set down shortly.

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. Confidential Attachment 1 to this report contains confidential advice and it should be considered by Council *in camera*.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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