



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

5-15 Denarda Street and 2-16 Denarda Street – Ontario Land Tribunal Hearing – Request for Directions

Date: May 10, 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

On July 20, 2023, the City received an Official Plan Amendment and Zoning By-law Amendment application to permit a 44-storey residential tower at 5-15 Denarda Street (38-storey tower and six-storey base building; 151.1 metres), as well as an Official Plan Amendment and Zoning By-law Amendment application to permit a 43-storey residential tower at 2-16 Denarda Street (37-storey tower and six-storey base building; 147.7 metres). The 5-15 and 2-16 Denarda Street sites are across the street from one another, separated by a cul-de-sac.

On October 26, 2023, City staff submitted dual Refusal Reports to Etobicoke York Community Council ("EYCC") in respect of the applications, and on November 13, 2023, EYCC adopted the Reports without amendment. A Community Consultation Meeting was held on November 27, 2023 for both applications, and a Supplementary Report was prepared for each, providing summaries of the public feedback. The Refusal Reports and Supplementary Reports were considered at the City Council meeting of December 13, 14, and 15, 2023, wherein City Council adopted the Reports without amendment.

On January 10, 2024, the Applicant appealed City Council's refusals of the applications to the Ontario Land Tribunal (the "OLT"). However, pursuant to City Council's instructions, City staff made use of subsections 22(8.1) and 34(11.0.0.1) of the *Planning Act*, which permits the City to use dispute resolution techniques to resolve the issues prior to the City Clerk forwarding the appeals to the OLT.

On April 5, 2024, the City Clerk forwarded the appeals to the OLT. A first Case Management Conference ("CMC") in respect of these appeals has been scheduled for June 25, 2024.

The City Solicitor requires further directions in respect of the upcoming OLT CMC.

The Applicant has submitted Rental Housing Demolition applications for each of the proposed developments. The 5-15 Denarda site contains four rental units that are proposed to be demolished to accommodate the proposed tower on that site, and the 2-16 Denarda site also contains four rental units that are proposed to be demolished for the same reason.

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 Confidential Attachment 1 and 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

Dual refusal reports on the applications were adopted by City Council on December 13, 14, and 15, 2023.

In respect of the 5-15 Denarda applications, the Refusal and Supplementary reports can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY9.8>

In respect of the 2-16 Denarda applications, the Refusal and Supplementary reports can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY9.9>

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