



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 8 Dawes Road – Ontario Land Tribunal Hearing – Request for Directions

**Date:** May 10, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 19 - Beaches-East York

#### 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 November 3, 2022, the City received a Zoning By-law Amendment application for 8 Dawes Road to permit to a 38-storey mixed-use building. The applicant City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment, to the Ontario Land Tribunal (the "OLT") on September 15, 2023.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled to commence on July 22, 2024. Given imminent procedural filing dates and other deadlines addressed in Confidential Attachment 1, this matter is urgent and cannot be deferred.

#### RECOMMENDATIONS

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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 Appendices "A" and "B" to this report from the City Solicitor, at the discretion of the City Solicitor.

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 17, 2019, City Council adopted Official Plan Amendment 478 (OPA 478) as the result of the Main Street Planning Study. OPA 478 allows for intensification, including tall buildings, within the study area through the achievement of a new road network, new parks and open spaces, and new and improved community services and facilities. The final report and OPA 478 can be found at the following link:

[Agenda Item History - 2019.TE11.4 \(toronto.ca\)](#)

There were eight appeals of OPA 478 to the Ontario Land Tribunal. On October 1, 2021, City Council adopted a Request for Direction Report in respect of OPA 478. The City Council decision is available at:

[Agenda Item History - 2021.CC36.7 \(toronto.ca\)](#)

The Ontario Land Tribunal issued a Final Order for OPA 478 on June 27, 2022.

On November 3, 2022, the City received a Zoning By-law Amendment application to permit a 38-storey mixed-use building with commercial uses on the ground and second floor.

On September 15, 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 December 14, 2023. A hearing is scheduled to commence on July 22, 2024.

An Appeal Report on the application was adopted by City Council on February 6 & 7, 2024 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:

[Agenda Item History - 2024.TE10.15 \(toronto.ca\)](#)

## COMMENTS

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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

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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