



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

49 Jackes Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: June 11, 2024

To: City Council

From: City Solicitor

Ward: Ward 11 – University - Rosedale

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 December 8, 2020, the City received an Official Plan and Zoning By-law Amendment application for 49 Jackes Avenue (the "Site") to permit a 29-storey residential building with 217 dwelling units.

On April 23, 2021, the applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not having made a decision within the statutory time frame.

At its meeting of October 1 and 4, 2021, City Council authorized City staff to attend before the Ontario Land Tribunal in opposition to the Applications and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

The City Solicitor requires further direction for the upcoming OLT hearing, which is scheduled to commence on September 23, 2024.

The matter is urgent and cannot be deferred because of hearing date obligations which commence prior to Council's next regularly scheduled meeting. City Planning has been consulted in the preparation of this report.

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 to this report from the City Solicitor, and Confidential Appendix "A", 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 December 8, 2020, the City received an Official Plan and Zoning By-law Amendment application to permit a 29-storey residential building with 217 dwelling units. The Preliminary Report can be found at:
<https://secure.toronto.ca/council/agenda-item.do?item=2021.TE23.49>

On April 23, 2021, the applicant appealed City Council's neglect or failure to make a decision on the application to the OLT. The OLT held the first Case Management Conference on September 22, 2021 and a second CMC was held on June 6, 2023. A 17-day merits hearing is scheduled for September 23, 2024.

A Request for Direction Report was adopted by City on October 1 and 4, 2021 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:
<https://secure.toronto.ca/council/agenda-item.do?item=2021.TE27.7>

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