



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

630 The East Mall – Ontario Land Tribunal Hearing – Request for Directions

Date: June 13, 2024

To: City Council

From: City Solicitor

Wards: Ward 2 - Etobicoke Centre

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 November 10, 2022, the City received a Zoning By-law Amendment application for 630 The East Mall (the "Site"), which application was subsequently revised on October 11, 2023 to permit the construction of residential buildings consisting of two 24-storey towers with a nine-storey base building and a 12 storey building (the "Application").

On December 1, 2023, the applicant appealed the Application to the Ontario Land Tribunal (the "OLT") because of City Council's failure to make a decision within the timeframe set out in the *Planning Act*.

The City Solicitor requires further directions for the upcoming five-day OLT hearing scheduled to commence on November 4, 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 Confidential Attachment 1 and Confidential Appendices "A", "B" and "C" 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

On November 10, 2022, the City received the Application, as noted above, and on October 11, 2023, the City received a revised version of the Application.

On December 1, 2023, 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 ("CMC") on March 20, 2024, and a second CMC on May 8, 2024. A five-day hearing is scheduled to commence on November 4, 2024.

An Appeal Report on the application was adopted by City Council on April 17, 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:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EY12.6>

COMMENTS

The City Solicitor requires further instructions on this matter. This report is urgent as about ongoing litigation before the OLT and requires City Council direction at this meeting and can not be deferred. Confidential Attachment 1 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
4. Confidential Appendix "C" - Confidential Information