



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2575 & 2625 Danforth Avenue; 2681 Danforth Avenue; and 2721 Danforth Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: June 17, 2024

To: City Council

From: City Solicitor

Wards: Ward 19 - Beaches-East York

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 August 26, 2022, the City received a Zoning By-law Amendment application for 2575 and 2625 Danforth Avenue to permit the construction of five new mixed-use buildings ranging in height from 15 to 55 storeys. The applicant appealed 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 October 23, 2023.

On December 21, 2022, the City received Official Plan and Zoning By-law Amendment applications for 2681 Danforth Avenue to permit a mixed-use development with two towers at 44 and 33 storeys. The applicant appealed City Council's neglect or failure to make a decision on applications to the OLT on November 29, 2023.

On November 7, 2021, the City received Official Plan and Zoning By-law Amendment applications for 2721 Danforth Avenue to permit the construction of a mixed-use building containing two towers at 35 and 55 storeys. The applicant appealed City Council's neglect or failure to make a decision on its application for the application to the OLT on March 6, 2023.

2575 & 2625 Danforth Avenue, 2681 Danforth Avenue, and 2721 Danforth Avenue (the "Sites") are all subject to Official Plan Amendment 478 ("OPA 478").

The City Solicitor requires further directions for upcoming OLT hearings for the Sites scheduled to commence on September 23, 2024, February 03, 2025, and February 24, 2025. Given imminent procedural filing dates and other deadlines addressed in Confidential Attachment 1, this matter is urgent and cannot be deferred.

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 Confidential Appendices "A" through "F" and the confidential recommendations contained in Confidential Attachment 1 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 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.

2575 and 2625 Danforth Avenue

On August 26, 2022, the City received a Zoning By-law Amendment application to permit the construction of five new mixed-use buildings ranging in height from 15 to 55 storeys. The application contemplates infill development on the Site, which currently includes four rental buildings ranging in height from 9 to 29 storeys and a Community Recreation Centre with an indoor pool. The Community Recreation Centre is also proposed to be demolished with no proposal by the applicant to replace it on site.

On October 23, 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 on February 16, 2024. A hearing is scheduled to commence on February 03, 2025.

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 applications, 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.TE10.14 \(toronto.ca\)](#)

2681 Danforth Avenue

On December 21, 2022 the City received Official Plan and Zoning By-law Amendment applications to permit a mixed-use development with two towers at 44 and 33 storeys, including a 8-9 storey podium with a total gross floor area of 79,854 square metres and 905 residential units; 11,066 square metres of non-residential space dedicated for Canadian Tire retail operations; and an onsite park dedication of approximately 958 square metres on the south portion of the site.

On November 29, 2023, the applicant appealed City Council's neglect or failure to make a decision on the applications to the OLT. The OLT held the first Case Management Conference on February 29, 2024. A hearing is scheduled to commence on February 24, 2025.

An Appeal Report on the application was adopted by City Council on March 20 & 21, 2024 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the applications, 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.TE11.12 \(toronto.ca\)](#)

2721 Danforth Avenue

On November 7, 2021, the City received Official Plan and Zoning By-law Amendment applications to permit the construction of a mixed-use building containing two towers at 35 and 55 storeys.

On March 6, 2023, the applicant appealed City Council's neglect or failure to make a decision on the applications to the OLT. The OLT held the first Case Management

Conference on June 29, 2023. A hearing is scheduled to commence on September 23, 2024.

An Appeal Report on the application was adopted by City Council on May 10, 11 & 12, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the applications, 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 - 2023.TE4.18 \(toronto.ca\)](#)

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
4. Confidential Appendix "C" - Confidential Information

5. Confidential Appendix "D" - Confidential Information
6. Confidential Appendix "E" - Confidential Information
7. Confidential Appendix "F" - Confidential Information