



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1053 Don Mills Road, 2, 4, 4R, and 6 The Donway East Zoning By-law Amendment - Request for Direction Report

Date: July 9, 2024

To: City Council

From: City Solicitor

Wards: Ward 16 - Don Valley East

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 October 21, 2021, the applicant submitted a Zoning By-law Amendment Application (the "Development Application") respecting 1053 Don Mills Road, 2, 4, 4R, and 6 The Donway East (the "Site") to permit four residential buildings with heights of 32, 28, 24 and 16 storeys. Subdivision and site plan applications were also submitted to facilitate the provision of a public street, and a parkland dedication. The Development Application proposed a total of 1,185 dwelling units, including 160 rental replacement units and 34 market rental units.

On October 20, 2023 the applicant appealed the Development Application to the Ontario Land Tribunal (the "OLT") due to Council not making a decision within the time frame in the *Planning Act*.

The purpose of this report is to request further instructions for the appeal that remains outstanding at the OLT. The matter is urgent and cannot be deferred because an OLT case-management conference is scheduled for August 13, 2024.

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 the Report from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, 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 the Report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, 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

A Preliminary Report was adopted by North York Community Council on February 23, 2022 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY30.20>

On October 20, 2023, the Applicant appealed the Development Application to the OLT due to Council not making a decision within the time frame in the *Planning Act*.

An Appeal Report was adopted by North York Community Council on February 22, 2024 and subsequently by City Council on March 20, 2024, which directed the City Solicitor to attend the OLT in opposition to the Development Application with appropriate City Staff. The decision of City Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2024.NY11.6>

The OLT conducted a first case management conference on January 19, 2024, and has scheduled a second case management conference for August 13, 2024.

This matter is urgent as the City Solicitor requires further directions respecting the OLT appeal.

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege and litigation privilege. Confidential Attachment 1 and Confidential Appendix "A" to this report contain confidential advice and information and should be considered by City Council *in camera*.

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