



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 219 - 221 Roxton Road – Ontario Land Tribunal Hearing – Request for Directions

**Date:** July 10, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11 - University-Rosedale

#### 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 April 22, 2022, the City received an Official Plan Amendment and Zoning By-law Amendment application for 219-221 Roxton Road (the "Site") to permit a 6-storey mixed-use building with retail space on the ground floor and 17 residential units above.

On March 6, 2023, the applicant revised the proposal to a 12-storey mixed-use building with retail space on the ground floor and 33 residential units above.

On June 1, 2023, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the statutorily prescribed time frame in the *Planning Act*.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for November 25, 2024.

#### 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, 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**

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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 April 22, 2022, the City received an Official Plan Amendment and Zoning By-law Amendment application to permit a 6-storey mixed-use building with retail space on the ground floor and 17 residential units above. The Preliminary Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.90>

On March 6, 2023, the applicant revised the proposal to a 12-storey mixed-use building with retail space on the ground floor and 33 residential units above.

On June 1, 2023, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the statutorily prescribed time frame in the *Planning Act*. The OLT held the first Case Management Conference on September 12, 2023. A hearing is scheduled for November 25, 2024.

An Appeal Report on the application was adopted by City Council on December 13, 2023 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 Appeal Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE9.23>

## **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