



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1 York Gate Boulevard – Zoning By-law Amendment and Site Plan Control Applications - Ontario Land Tribunal Hearing – Request for Directions

Date: July 11, 2024

To: City Council

From: City Solicitor

Wards: Ward 7 - Humber River-Black Creek

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 February 23, 2022, the City received a Zoning By-law Amendment application for 1 York Gate Boulevard (the "Site") to permit the construction of a 22-storey residential rental building with a gross floor area of 17,930 square metres and 294 dwelling units. On March 29, 2022, a Site Plan Control application was submitted for the proposed development.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Zoning By-law Amendment and Site Plan Control (the "Appeal") to the Ontario Land Tribunal (the "OLT") on September 22, 2023.

On July 10, 2024, the City received a With Prejudice, not confidential, settlement offer from the applicant's lawyers, Kagan Shastri DeMelo Winer Park LLP, which is attached as Public Attachment 1 (the "Settlement Offer"). The Settlement Offer is open until the end of the City Council meeting commencing on July 24, 2024, at which point it may be withdrawn. The City Solicitor requires further directions for the OLT hearing. Given the deadline for the Settlement Offer, and upcoming OLT Procedural Order deadlines, 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 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 February 23, 2022, the City received a Zoning By-law Amendment application to permit the construction of a 22-storey residential rental building with a gross floor area of 17,930 square metres and 294 dwelling units. A Site Plan Control application for the proposed development was submitted on March 29, 2022.

On September 22, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment and Site Plan Control applications to the OLT. The OLT held the first Case Management Conference on January 22, 2024. A second Case Management Conference was held on May 6, 2024. A hearing is scheduled for November 19-26, 2024.

A Request for Direction Report on the applications 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 Appeal, 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.EY12.3#>

On July 10, 2024, the City received a With Prejudice, not confidential, settlement offer from the applicant's lawyers, Kagan Shastri DeMelo Winer Park LLP, which is attached as Public Attachment 1 (the "Settlement Offer"). The Settlement Offer contains revised plans (the "Revised Plans") which are attached as Public Attachment 2. The Settlement Offer is open until the end of the City Council meeting commencing on July 24, 2024,

unless the applicant's lawyers advise otherwise. Should City Council accept the Settlement Offer, the applicant intends to present the Revised Plans to the OLT for approval.

In response to the concerns raised by City staff with the applicant, the Revised Plans include a number of modifications. The comparison chart below illustrates changes between the Original Proposal, which was appealed to the OLT, and the Settlement Offer.

Category	Original Proposal February 23, 2022	Revised Proposal July 10, 2024
Building Height including Mechanical Penthouse (metres)	74.4	98.0
Number of storeys	22	27
Tower Floor Plate (square metres)	872	814 (5 to 25 storeys) and 750 (26 and 27 storeys)
Residential Gross Floor Area (square metres)	17,930	21,209
FSI	2.2	7.8
Vehicular Parking Spaces	147 surface parking spaces within the existing surface parking field	7 accessible parking spaces (6 residential, 1 visitor) with direct access to the building; and 4 additional visitor parking spaces and 2 carshare parking spaces
Bicycle Parking Spaces	57	To be determined through a revised TIS and TDM
Units	294	305
Unit composition	Studio: 84 1-bedroom: 126 2-bedroom: 84 3-bedroom: none	Studio: 57 1-bedroom: 135 2-bedroom: 81 3-bedroom: 32
POPS (square metres)	none	530
Through-lobby	None	Provided on the ground floor
Loading	1 Type G	1 Type G

As part of the Settlement Offer, the applicant agreed to work with City staff to finalize an acceptable NOAC based on the Revised Proposal in order to settle the Site Plan Control appeal.

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

Kasia Czajkowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-5725; Email: Kasia.Czajkowski@toronto.ca

Adam Ward, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 394-2787; Email: Adam.Ward@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - With Prejudice Settlement Offer from Kagan Shastri DeMelo Winer Park LLP, dated July 10, 2024
2. Public Attachment 2 - Revised Plans from Petroff Partnership Architects, dated July 10, 2024
3. Confidential Attachment 1 - Confidential Information