



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2405-2411 and 2417 Lake Shore Boulevard West – Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications – Ontario Land Tribunal Hearing – Request for Directions

Date: July 16, 2024

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke Lakeshore

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 July 25, 2022, Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications were deemed complete for a proposed mixed-use development including a 10-storey mid-rise building, an eight-storey base building including a mezzanine floor and a 33-storey tower at 2405-2411 and 2417 Lake Shore Boulevard West. A Rental Housing Demolition Application was also submitted to demolish 22 rental units.

On February 13, 2023, the applicant appealed the applications to the Ontario Land Tribunal (OLT) citing City Council's failure to make a decision on the applications within the time period prescribed under the *Planning Act*. A Case Management Conference was held on July 13. Mayer Investment Limited, the owner of lands which directly abut the subject property on Superior Road, was granted party status. An OLT hearing was originally scheduled for July 8 to July 19, 2024, but was adjourned until October 7, 2024, on consent of all the parties.

The City Solicitor urgently requires further directions for the upcoming OLT hearing scheduled for October, which will commence prior to October City Council meeting. This report 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 and Confidential Appendix "A" 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 July 16-19, 2013, City Council adopted the Mimico-by-the-Lake Secondary Plan (OPA 197 (By-law 1103-2013)) designating the site within Precinct C-Village Heart of the Secondary Plan. The Secondary Plan was modified as a result of appeals and subsequent Orders of the Ontario Municipal Board and Local Planning Appeal Tribunal.

A Request for Direction Report on the application was adopted by City Council on October 11 and 12, 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 Request for Direction Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY7.7>

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