



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

155 St Dennis Drive – Ontario Land Tribunal Hearing – Request for Directions

Date: August 23, 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 March 6, 2023 the City received a Zoning By-law and Official Plan Amendment application for 155 St. Dennis Drive (the "Site") to permit the construction of four (4) residential towers ranging in height between 42 to 56 storeys linked by a 2-storey base building. The development proposes 2,170 residential units, 135,413 square metres of residential gross floor area, and approximately 348 square metres of non-residential gross floor area. The application proposes that 5 percent of the residential gross floor area (approximately 6,771 square metres) would be allocated to affordable housing. The site has an overall area of 169,361 square metres, of which, the applicant proposes to develop 7,643 square metres of the site with residential towers, and the remainder of the lands, approximately 16 hectares, would be conveyed to a public agency as open space. A total of 405 vehicle parking spaces are proposed in 4 levels of underground parking. The application was deemed complete as of August 1, 2023.

City Council refused the applications at its meeting of November 8, 2023 and the applicant appealed that refusal (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on November 24, 2023.

The City Solicitor requires further directions for upcoming OLT hearings scheduled to begin March 31, 2025. For reasons set out in Confidential Attachment 1 this matter is urgent.

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 direct that the confidential recommendations contained in Confidential Attachment 1, all other information contained in Confidential Attachment 1, and all attachments to this report from the City Solicitor are to remain confidential at the discretion of the City Solicitor, as they contain 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

On November 8, 2023 City Council considered a refusal report from the Director, Community Planning, North District and adopted the recommendations therein. The application proposes significant residential development in an area that is not envisioned for growth in accordance with the urban structure, land use designations (parks and open space designation), natural heritage and hazard land policies of the PPS, Growth Plan and Official Plan. Council directed the City Solicitor and appropriate staff to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application. The refusal report can be found at:

<https://www.toronto.ca/legdocs/mmis/2023/ny/bgrd/backgroundfile-239588.pdf>

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

Matthew Longo, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8109
Fax: (416) 397-5624; Email: matthew.longo@toronto.ca

Jessica Amey, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-1890
Fax: (416) 397-5624; Email: matthew.longo@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information