



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

4195 Dundas Street West and 556, 558, 560, 562 and 564 Prince Edward Drive North – Official Plan Amendment and Zoning By-law Amendment Applications – Ontario Land Tribunal Hearing – Request for Directions

Date: August 22, 2024

To: City Council

From: City Solicitor

Wards: 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

An original Zoning By-law Amendment application for 4195 and 4221 Dundas Street West, and 556 - 564 Prince Edward Drive North was submitted to the City in March, 2016, and was appealed to the Ontario Land Tribunal (OLT) on May 13, 2022. A subsequent Official Plan Amendment application was appealed to the OLT on September 26, 2022, with both appeals citing City Council's failure to make a decision on the applications within the time period prescribed under the Planning Act. A three-week hearing is scheduled to commence on October 28, 2024.

On April 21, 2023, with prejudice plans for a revised development proposal for a larger development of the site were submitted to the City for two mixed-use 14-storey towers on a six-storey base building, two nine-storey mid-rise residential buildings, and 19 townhouse units within three townhouse blocks (the "April 2023 Plans").

The April 2023 Plans were the subject of an Appeal Report at City Council at its meeting on October 11 and 12, 2023, and the City Solicitor and appropriate staff were directed by City Council to attend at the OLT to oppose the applications.

The City Solicitor requires further directions on this matter. For reasons set out in Confidential Attachment 1 to this report, this matter is urgent and cannot be deferred.

4195 Dundas Street West and 556, 558, 560, 562 and 564 Prince Edward Drive North - Official Plan Amendment and Zoning By-law Amendment Applications - Ontario Land Tribunal Hearing - Request for Directions

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, and Confidential Appendix "A", 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 March 29, 2023, City Council adopted EY3.4 - 4195, 4219, 4221 Dundas Street West and 556, 558, 560, 562 and 564 Prince Edward Drive North - Official Plan Amendment and Zoning By-law Amendment Applications - Appeal Report.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY3.4>

On October 11, 2023, City Council adopted EY7.8 - 4195, 4221 Dundas Street West and 556, 558, 560, 562 and 564 Prince Edward Drive North - Official Plan Amendment and Zoning By-law Amendment Applications - Appeal Report.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY7.8>

COMMENTS

The City Solicitor requires further instructions on this matter no later than the completion of the City Council meeting which starts on September 5, 2024. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

Mark Crawford, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-392-8864,
Fax 416-397-5624, Mark.Crawford@toronto.ca

Uttra Gautam, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-396-7986,
Fax 416-397-5624, Uttra.Gautam@Toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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