



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 8-10 Hyde Park Circle – Ontario Land Tribunal Hearing – Request for Directions

**Date:** September 24, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 15 - Don Valley West

#### 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 May 23, 2023, the City received an Official Plan and Zoning By-law Amendment application for 8-10 Hyde Park Circle (the "Site") to permit the construction of a 4-storey residential building containing 55 residential dwelling units with a gross floor area of 10,202 square metres.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on February 21, 2024.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for February 24-28, 2024. For reasons set out in Confidential Attachment 1, this matter is urgent and should not be deferred.

#### 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 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**

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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 May 23, 2023, the City received an Official Plan and Zoning By-law Amendment application to permit the development of a 4-storey residential building containing 55 residential dwelling units with a gross floor area of 10,202 square metres.

On February 21, 2024, the applicant appealed City Council's neglect or failure to make a decision on the Official Plan and Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on May 1, 2024 and a second Case Management Conference took place on July 17, 2024. A hearing is scheduled for February 24-28, 2024.

A Request for Direction Report on the application was adopted by City Council at its meeting of June 26-27, 2024, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and 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://www.toronto.ca/legdocs/mmis/2024/ny/bgrd/backgroundfile-245592.pdf>

## **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