



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 69 Yorkville Avenue – Ontario Land Tribunal Hearing – Request for Directions

**Date:** October 31, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11 - University-Rosedale

#### 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 November 4, 2021, the City received an Official Plan and Zoning By-law Amendment application for 69 Yorkville Avenue (the "Site") to permit the construction of a 29-storey mixed use building containing 143 dwelling units.

The applicant appealed City Council's refusal of the application to amend the Official Plan and Zoning By-law (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on February 23, 2023.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for December 2 to December 18, 2024. This matter is urgent and cannot 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 November 4, 2021, the City received an Official Plan and Zoning By-law Amendment application to permit the construction of a 29-storey mixed use building containing 143 dwelling units. The Preliminary Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.35>

On February 23, 2023, the applicant appealed City Council's decision to refuse its application to the OLT. The OLT held the first Case Management Conference on August 31, 2023. A hearing is scheduled to commence on December 2, 2024.

A Request for Direction Report on the application was adopted by City Council on February 7, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the 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.TE2.3>

On June 21, 2024, the applicant submitted revised "with prejudice" plans (the "June 2024 Revised Plans") to the OLT and the other parties to the proceedings, noting their intention to proceed with this proposal at the hearing scheduled for December 2-18, 2024.

The following chart outlines the key revisions to the proposal, most notably, the floorplate was reduced and the height of the proposed tower increased from 29 to 39 storeys:

Development Statistics	November 2021 (Initial Zoning By-law Amendment Application)	June 2024 (Revised Application)
Lot Area	759 square metres	759 square metres
Height of Tower	29 storeys	39 storeys
Height of Podium	3 storeys plus mezzanine	3 storeys plus mezzanine
Tower Floorplate	540 square metres to 546 square metres (typical)	410 square metres
Floor Space Index	21.4	19.3

<b>Development Statistics</b>	<b>November 2021 (Initial Zoning By-law Amendment Application)</b>	<b>June 2024 (Revised Application)</b>
Total Gross Floor Area (GFA)	15,630 square metres	14,654 square metres
Residential GFA	14,189 square metres	13,041 square metres
Office GFA	1,293 square metres	0 square metres
Retail GFA	148 square metres	133 square metres
Museum GFA	0 square metres	1,480 square metres
Total Unit Count	143 units 42 1-bedroom (29 percent) 82 2-bedroom (57 percent) 19 3-bedroom (14 percent)	199 units 137 1-bedroom units (68 percent) 42 2-bedroom units (22 percent) 20 3-bedroom units (10 percent)
Indoor Amenity	393.56 square metres	461 square metres
Outdoor Amenity	372.5 square metres	250 square metres
Vehicle Parking	95 spaces	111 spaces
Bicycle Parking	155 spaces	223 spaces
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## 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. Public Attachment 1 - June 2024 Revised Plans
2. Confidential Attachment 1 - Confidential Information
3. Confidential Appendix "A" - Confidential Information