



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 49-59 Lawrence Avenue East – Ontario Land Tribunal Hearing – Request for Directions

**Date:** November 1, 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 November 20, 2023, the City deemed complete an Official Plan and Zoning By-law Amendment application for 49-59 Lawrence Avenue East (the "Site") to permit the construction of a 9-storey residential building, consisting of 40 units and 41 vehicle parking spaces to be located in two-levels of underground parking.

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 April 23, 2024.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for January 20, 2025. This report is urgent as the City Solicitor requires updated instructions prior to procedural deadlines in advance of the hearing, including the deadline for the exchange of witness statements on December 13, 2024. Consideration of this matter 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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### **Site History**

The Site has been subject to two previous site-specific applications. The history of those applications is identified in a report from the Director, Community Planning, North York District regarding Item NY15.12, which can be accessed here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.NY15.12>

On March 3, 2023, the City received an application for an Official Plan and Zoning By-law Amendment application to permit the construction of a 9-storey residential building, consisting of 40 units and 41 vehicle parking spaces to be located in two-levels of underground parking. The application was deemed completed on November 20, 2023.

On May 2, 2024, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held a Case Management Conference on September 11, 2024. A hearing is scheduled for January 20, 2024.

A Request for Direction Report on the application was adopted by City Council on July 24, 2024 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 Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.NY15.12>

## COMMENTS

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On October 28th 2024, the applicant filed revised plans with the OLT which are attached as Public Attachment 1 (the "With Prejudice October Plans"). The With Prejudice October Plans consist of the following:

- An 11-storey building, plus mechanical penthouse;
- A street-wall height of 8 storeys on Lawrence Avenue East and Weybourne Crescent;
- A zero setback from Lawrence Avenue East, Weybourne Crescent and from the west property line;
- A 91 centimetre rear yard setback;
- 60 residential units; and
- 41 parking spaces with a pick-up and drop-off area below grade.

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 - With Prejudice October Plans
2. Confidential Attachment 1 - Confidential Information
3. Confidential Appendix "A" - Confidential Information