

390-400 Woodsworth Road– Ontario Land Tribunal Hearing – Request for Directions

Date: December 4, 2024

To: City Council

From: City Solicitor

Wards: Ward 15 - Don Valley West

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 October 22, 2021, the City received Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications for 390-400 Woodsworth Road (the "Site") to permit the construction of three new 8-storey mid-rise residential buildings. On August 28, 2023 the Owner made a resubmission to increase the overall heights of two of the three mid-rise buildings to 9 storeys (from 8) and 10 storeys (from 8).

The applicant appealed City Council's neglect or failure to make a decision on its application for the Official Plan and Zoning By-law Amendments (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on December 18, 2023. The Site Plan Control application was also appealed.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for April 28 to May 9, 2025. This matter is urgent and cannot be deferred.

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 and Confidential Appendix "A", "B" and "C" 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

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 October 22, 2021 the City received Official Plan, Zoning By-law Amendment, and Site Plan Control applications to permit three new 8-storey mid-rise residential buildings. A Rental Housing Demolition Application was also submitted. The Owner made a resubmission on August 28, 2023. The Preliminary Report can be found at: <https://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-198831.pdf>

On December 18, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Official Plan and Zoning By-law Amendments to the OLT. The Owner's Site Plan application was also appealed. The OLT held the first Case Management Conference on May 9, 2024. A hearing is scheduled for April 28 to May 9, 2025.

A Request for Direction Report on the application was adopted by City Council on April 17, 2024 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan Amendment and Zoning By-law Amendment appeals, 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=2024.NY12.7>

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

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information