



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 4001 Steeles Avenue West, 5000 Jane Street and 360 Hullmar Drive – Ontario Land Tribunal Hearing – Request for Directions

**Date:** December 3, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 7 - Humber River - Black Creek

#### **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 April 29, 2022, the City received Zoning By-law Amendment and Site Plan Control applications for 4001 Steeles Avenue West (the "Site") to permit significant infill development, including the construction of three new towers with heights of 45, 45 and 35 storeys at the north-east corner of the property.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Zoning By-law Amendment and Site Plan Control (the "Appeals"), to the Ontario Land Tribunal (the "OLT") on March 13, 2023.

The City Solicitor requires further directions for the upcoming OLT hearing, which had been scheduled for November, 2024, but was adjourned until May, 2025 to allow the City Solicitor to obtain further instructions. This matter is urgent and should not be delayed to ensure sufficient time for procedural exchanges in advance of the scheduled hearing date.

#### **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 Appendices "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**

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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 April 29, 2022 the City received Zoning By-law Amendment and Site Plan Control applications to permit a significant infill development at the south-west corner of the intersection of Jane Street and Steeles Avenue West. The applications proposed three new towers at the north-east corner of the property. Two 45-storey towers would be connected by an eight-storey base building oriented towards Steeles Avenue West. A third tower, measuring 35 storeys, would sit above an eight-storey base building, oriented towards Jane Street. In total, 1621 new dwelling units were proposed. The three existing buildings on the site, two apartment buildings measuring 14 and 17 storeys and a two-storey non-residential building would be retained.

On March 13, 2023, 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 the first Case Management Conference on July 31, 2023. A hearing was scheduled to commence on November 12, 2024 and has been adjourned until May, 2025.

A Request for Direction Report on the application was adopted by City Council on December 13, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment and Site Plan Control applications, and to continue discussions with the applicant in an attempt to reduce the scale of the proposal and resolve outstanding issues. The Request for Direction Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2023/ey/bgrd/backgroundfile-240263.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
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information