



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2350-2352 Yonge Street – Ontario Land Tribunal Hearing – Request for Directions

Date: December 5, 2024

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton-Lawrence

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 July 13, 2022, the City received a Zoning By-law Amendment application for 2350-2352 Yonge Street (the "Site") to permit the construction of a fifty storey residential building containing a total of 323 residential dwelling units, with 20,562 square metres of gross floor area ("GFA"), consisting entirely of residential space.

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 July 10, 2023.

The matter was scheduled for a hearing in the summer of 2024, however, the hearing dates were adjourned to permit the continuation of without prejudice discussions. The City Solicitor requires further directions. For reasons set out in Confidential Attachment 1, 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, Confidential Appendix "A" and "B" 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 July 13, 2022, the City received a Zoning By-law Amendment application to permit the construction of a fifty storey residential building containing a total of 323 residential dwelling units, with 20,562 square metres of GFA, consisting entirely of residential space.

On July 10, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. On October 11, 2023 an Appeal Report on the application was adopted by Council 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 to try to resolve outstanding issues. The Appeal Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY7.2>

The OLT held the first Case Management Conference on October 26, 2023. The second Case Management Conference was held on January 22, 2024. A hearing was scheduled for September 10, 2024 but was adjourned on consent.

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

Gabe Szobel, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-1889;
Fax: (416) 397-5624; Email: gabe.szobel@toronto.ca

Jyoti Zuidema, Solicitor, Planning and Administrative Tribunal Law; Tel: (416) 338-0800;
Fax: (416) 397-5624; Email: jyoti.zuidema@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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