



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 5051-5061 Yonge Street - Official Plan and Zoning Amendment Applications – Ontario Land Tribunal Hearing – Request for Directions

**Date:** May 8, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 18 - Willowdale

### 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 December 14, 2020, the City received Zoning By-law and Official Plan Amendment applications for 5051-5061 Yonge Street (the "Site") to permit the construction of a 42 storey (135 metres excluding mechanical penthouse) mixed-use building with non-residential uses on the first 6 storeys, and residential uses above, with a total of 350 units. On October 26, 2022 a revised application was submitted proposing a 39 storey (126 metres excluding mechanical penthouse) mixed use building with non-residential uses on the first two storeys, and residential uses above with a total of 365 units.

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 January 18, 2023. A ten-day OLT hearing was scheduled to commence on May 15, 2024, but was adjourned by the applicant so that further direction could be sought from City Council. This matter is urgent and should not be deferred.

### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations contained in the 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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A Preliminary Report was adopted by North York Community Council on March 1, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification area:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.NY22.12>

A Virtual Community Consultation Meeting was hosted by City staff on May 4, 2021. 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 to the OLT on January 18, 2023.

An Appeal Report on the application was adopted by City Council on June 14 and 15, 2023, 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 Council decision and Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY5.11>

A ten-day OLT hearing was scheduled to commence on May 15, 2024, but was adjourned by the applicant so that further direction could be sought from City Council.

## **COMMENTS**

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The City Solicitor urgently 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