



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

21-53 Broadview Avenue, 344 Eastern Avenue and 18-34 and 40 Lewis Street – Ontario Land Tribunal Hearing – Request for Directions

Date: June 12, 2024

To: City Council

From: City Solicitor

Wards: Ward 14 - Toronto-Danforth

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 September 16, 2021, Official Plan Amendment and Zoning By-law Amendment applications were submitted seeking to permit a 12-storey mixed-use building with an interior block of 15 three-storey townhouse units at 21-53 Broadview Avenue, 344 Eastern Avenue and 18-34 and 40 Lewis Street (the "Site"). A Site Plan Control application was submitted on July 5, 2022. A Rental Housing Demolition application was also submitted to permit the demolition of existing rental dwelling units on the site.

On March 29, 2023, the Applicant appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT") because of City Council's failure to make a decision on the applications within the timeframe legislated by the *Planning Act*.

A two-week hearing was scheduled to commence on June 10, 2024 but was adjourned to allow for further discussions with the Applicant. The City Solicitor requires further directions to prepare for an upcoming case management conference scheduled to commence on June 21, 2024. 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 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 September 2, 2021, the City received Official Plan Amendment and Zoning Bylaw Amendment applications to permit a 12-storey mixed-use building with an interior block of 15 three-storey townhouse units on the Site. The proposal includes 28,583 square metres of residential gross floor area (GFA). A total of 340 condo dwelling units were proposed, comprised of 110 one-bedroom units (32 percent), 197 (58 percent) two-bedroom units and 33 (10 percent) three-bedroom units.

On March 29, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Official Plan Amendment and Zoning By-law Amendment applications to the OLT. The OLT held the first Case Management Conference on September 15, 2023 and a Telephone Conference on October 30, 2023. A 10 day OLT hearing on the matter was scheduled to commence on June 10, 2024, and has since been adjourned. A second Case Management Conference is scheduled on June 21, 2024.

A Request for Direction Report on the applications was adopted by City Council on October 11, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendment applications, 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=2023.TE7.17>

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