



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 4800 Yonge Street – Request for Further Directions

**Date:** October 31, 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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In late 2015 and 2016, the Applicant applied to amend the Official Plan and City of North York Zoning Bylaw 7625 and for Site Plan Approval for the site at 4800 Yonge Street (the "Subject Property") to permit redevelopment for a mixed use building of 49 storeys (160 metres) comprising of 497 dwelling units, a five storey base including retail and office uses and a five-level underground parking garage with 318 parking spaces (the Applications).

The Applicant appealed the Applications to the Ontario Municipal Board (now known as the Ontario Land Tribunal) (the "OLT" or "Tribunal") due to City Council's failure to make a decision within the prescribed time period (the "Appeals").

On February 26, 2019, City Council accepted a Settlement Offer to resolve the Appeals. The OLT approved the site-specific OPA, ZBLA and SPA in principle, and the final order approving the OPA 462 and Zoning By-law 1113-2020 (LPAT) was issued by the Tribunal in 2020. The final order on the site plan appeal is still outstanding, and the site plan appeal is active before the Tribunal.

The City Solicitor requires further direction. 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 Confidential Attachment 1 to this report.
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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An Official Plan Amendment application was submitted in November 2015. The preliminary report, can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY12.28>

A Zoning By-law Amendment application was filed on February 19, 2016. The preliminary report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY13.34>

An application for Site Plan Control was filed in December 2016.

On May 16, 2017, the applicant appealed the Official Plan and Zoning By-law Amendment applications citing City Council's failure to make a decision within the prescribed time set out in the *Planning Act*. On October 24, 2017, the applicant appealed the Site Plan Control application and made a request to consolidate the Site Plan appeal with the OPA and ZBA appeals.

On May 22, 2018, City Council considered a Request for Direction Report from the Director, Community Planning, North York District regarding the Applications and Appeals. The Request for Direction Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY30.3>

On February 26, 2019, City Council considered a Request for Further Direction Report from the City Solicitor and accepted a settlement offer in respect of the appeals. The Request for Further Direction Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.CC3.4>

A settlement hearing was held in May of 2019, and the Tribunal issued an Order on December 1, 2020, approving the Official Plan and Zoning By-law Amendments. The order on the site plan appeal is still outstanding.

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about ongoing and potential 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