



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3585 and 3595 St. Clair Avenue East, 636 to 646 and 641 to 663 Danforth Road, and 411 and 415 Kennedy Road – Official Plan Amendment, Zoning Amendment, Draft Plan of Subdivision – Request for Directions

Date: January 23, 2025

To: City Council

From: City Solicitor

Wards: Ward: 20 - Scarborough Southwest

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 October 27, 2020, a series of development applications were submitted to the City to permit the redevelopment of the lands for 6,600 new dwelling units in up to 17 new high-rise mixed use apartment towers ranging in height from 14 to 48-storeys on standalone or shared podiums. On September 21, 2022 the applicant appealed all of the applications to the Ontario Land Tribunal (OLT). A Case Management Conference (CMC) was held on February 16, 2023, and Metrolinx and a neighbouring property owner obtained added party status. At two subsequent CMCs another neighbouring property owner received added party status, and an 18-day hearing was scheduled at the OLT commencing on March 5, 2024.

On January 31, 2024, the OLT released the 18-day hearing while maintaining March 5, 2024 as a CMC. On March 4, 2024 the OLT released the March 5, 2024 CMC and directed that the parties proceed by way of written settlement once all settlement materials have been submitted. Written settlement materials have not been submitted at this time.

Further direction from City Council is required on this matter.

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 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

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

An Appeal Report (April 28, 2023) from the Acting Director, Community Planning, Scarborough District, was adopted by City Council on June 14, 2023 directing the City Solicitor and appropriate City staff to attend at the OLT hearing in opposition to the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The City Council decision and Appeal Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.SC5.5>

A Without Prejudice Settlement Offer was adopted by City Council at its meeting on February 6 and 7, 2024. City Council's decision can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2024.CC14.10>

COMMENTS

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