

266 and 268 Royal York Road – Ontario Land Tribunal Hearing – Request for Directions

Date: March 11, 2025

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke-Lakeshore

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 November 9, 2021, later revised on September 8, 2022, the City received a Zoning By-law Amendment application for 266 - 268 Royal York Road (the "Site"). The application was for the construction of a mixed-use building with 37-storey and 23-storey residential towers with at-grade retail uses within the eastern portion of the site, and a self-storage warehouse building, as a future phase of development, within the western portion of the Site.

The Zoning By-law Amendment application was accompanied by an Official Plan Amendment ("OPA") application to permit some components of the proposal, on the Core Employment Areas portion of the Site to support the mixed-use development within the Mixed -Use Areas of the Site.

This OPA, was followed by a Conversion Request on August 3, 2021 (Number 099) as part of the City's Municipal Comprehensive Review (MCR) under Section 26 of the *Planning Act*, where the Minister of Municipal Affairs and Housing is the approval authority. City Council adopted Official Plan Amendment 653, with Site and Area Specific Policy (SASP) 836. On January 27, 2025 the Minister of Municipal Affairs and Housing approved the City's OPA 653 including SASP 836, leaving no further need for the OPA filed in respect of this application.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment and the OPA (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on November 16, 2022. Given the decision of the

Minister approving the Conversion Request, the appeal of the OPA has formally been withdrawn on March 11, 2025.

The City Solicitor requires further directions in advance of proceeding to a contested hearing on the 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" 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 November 9, 2021, the City received a Zoning By-law Amendment application, which was later revised on September 8, 2022 to permit the construction of a mixed-use building with 37-storey and 23-storey residential towers with at-grade retail uses within the eastern portion of the site, and a self-storage warehouse building, as a future phase of development, within the western portion of the Site. The Preliminary Report, heard at the May 31, 2022 Planning and Housing Committee Meeting can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.PH34.12>

On November 16, 2022, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on February 22, 2022.

On August 3, 2021, a conversion request was made to the City requesting to redesignate the western portion of the lands from Core Employment Areas to Mixed Use Areas to permit residential uses (the "Conversion Request"). On July 5, 2023,

Planning and Housing Committee held a Special Public Meeting for the Our Plan Toronto: Recommendations on Seventy Employment Area Conversion, which included the Conversion Request for the Site. On July 19, 2022, City Council adopted the recommendations with amendments by adding Site and Area Specific Policy 836, and the associated map, for the rear portion of the Site. The City Council decision is available at:

<https://secure.toronto.ca/council/agendaitem.do?item=2023.PH5.3#>

The Conversion Request was submitted to the Minister of Municipal Affairs and Housing for approval after the July 19, 2022 City Council meeting.

A Request for Direction Report on the application was adopted by City Council on December 13, 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 Request for Direction Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2023/ey/bgrd/backgroundfile-240284.pdf>

On January 27, 2025, the Conversion Request was approved by the Minister of Municipal Affairs and Housing by approving Official Plan Amendment 653 and Site and Area Specific Policy 836.

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