



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

943-963 Eglinton Avenue East and 23 Brentcliffe Road – Ontario Land Tribunal Hearing – Request for Directions

Date: May 6, 2025

To: City Council

From: City Solicitor

Wards: Ward 15 – Don Valley West

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 8, 2021, Official Plan, Zoning By-law Amendment and Draft Plan of Subdivision applications were submitted to permit 4 new mixed-use residential buildings (containing 1,279 units) ranging in height from 16 to 28 storeys (57.5 metres to 93 metres) with a total gross floor area (GFA) of 103,743 square metres.

On September 27, 2022, the applicant appealed the Official Plan, Zoning By-law Amendment and the Draft Plan of Subdivision Applications to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame prescribed in the *Planning Act*.

The City Solicitor requires further direction in respect of the OLT proceedings.

RECOMMENDATIONS

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" and "B" to this report, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to this report 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 8, 2021, an Official Plan, Zoning By-law Amendment and Draft Plan of Subdivision applications were submitted to permit 4 new mixed-use residential buildings (containing 1,279 units) ranging in height from 16 to 28 storeys (57.5 metres to 93 metres) with a total gross floor area (GFA) of 103,743 square metres.

On September 27, 2022, the applicant appealed the Official Plan, Zoning By-law Amendment and the Draft Plan of Subdivision Applications to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame prescribed in the *Planning Act*.

On March 29, 2023, an Appeal Report was adopted by City Council, directing the City Solicitor and appropriate City staff to attend the OLT in opposition to the Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision appeals, and to continue discussions with the applicant in an attempt to resolve the outstanding issues. The Appeal Report can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY3.5>

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