

7-11 Rochefort Drive– Ontario Land Tribunal Hearing – Request for Directions

Date: May 9, 2025

To: City Council

From: City Solicitor

Wards: Ward 16 – Don Valley East

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 December 1, 2021, the City received applications for the approval of Zoning By-law Amendment and Draft Plan of Subdivision for 7-11 Rochefort Drive (the "Site"). The two applications sought the approval of three new tall buildings on the Site: two towers on a shared podium with heights of 46 storeys (147.2 metres) and 41 storeys (132.2 metres), respectively (Tower A and Tower B), and a third tall building of 30 storeys (98.6 metres) (Tower C), all located above and sharing the same underground parking garage. The applications proposed 1,322 residential dwelling units on the Site.

On the same day, the City received a Rental Housing Demolition application proposing to demolish the two existing residential apartment buildings on Site and to replace the existing 128 rental units with 128 new rental units as a part of the proposed development.

The applicant appealed the City's neglect or failure to make a decision on the Zoning By-law Amendment application and the Draft Plan of Subdivision application (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on June 3, 2024.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for October 20, 2025. 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 only the confidential recommendations contained in Confidential Attachment 1, Confidential Appendix "A" and Confidential Appendix "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 December 1, 2021, the City received Zoning By-law Amendment and Draft Plan of Subdivision applications for 7-11 Rochefort Drive (the "Site") as described above.

The applicant appealed the City's neglect or failure to make a decision on the Zoning By-law Amendment and Draft Plan of Subdivision applications (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on June 3, 2024.

City Council has not made a decision in respect of the applicant's Rental Housing Demolition application.

The OLT held a Case Management Conference on November 21, 2024. A 10-day hearing on the merits of the Zoning By-law Amendment and Draft Plan of Subdivision applications is scheduled to begin on October 20, 2025.

A Request for Direction Report (October 10, 2024) from the Director of Community Planning, North York District in respect of the Zoning By-law Amendment and Draft Plan of Subdivision applications was adopted by City Council during its meeting of November 13 and 14, 2024. The City Solicitor and appropriate City staff have been directed to attend the OLT hearing to oppose the Zoning By-law Amendment and Draft Plan of Subdivision applications in their current form, and to continue discussions with the appellant in an attempt to resolve outstanding issues. City Council's decision can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.NY18.11>

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