



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

7-17 Nipigon Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: June 12, 2025

To: City Council

From: City Solicitor

Wards: Ward 18 - Willowdale

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 5, 2023, the City received Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications for 7-17 Nipigon Avenue (the "Site") to permit the construction of a 50-storey (170.15 metres) residential building, containing 620 residential units and a gross floor area of 39,544.85 square metres.

The applicant appealed City Council's refusal of the, Official Plan Amendment and Zoning By-law Amendment applications and the Chief Planner's refusal of the Site Plan Control application (the "Appeal"), to the Ontario Land Tribunal (the "OLT").

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for August 11, 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 the confidential recommendations contained in Confidential Attachment 1, Confidential Appendix "A", Confidential

Appendix "B" and Confidential Appendix "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

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 5, 2023, the City received Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications to permit the construction of a 50-storey (170.15 metres) residential building, containing 620 residential units and a gross floor area of 39,544.85 square metres, with an overall density of 17.1 times the area of the lot.

On June 14, 2024, the Site Plan Control application was refused on the basis the associated plans and drawings do not comply with the in-effect zoning for the Site and proposes to impose land uses with performance standards that have not been established by the applicable zoning.

On July 4, 2024, the applicant appealed the Chief Planner's refusal on the Site Plan application to the OLT.

A Refusal Report was adopted by North York Community Council on July 9, 2024, which recommended refusal of the Official Plan and Zoning By-law Amendment applications and directed the City Solicitor to attend the OLT in opposition to the applications with appropriate City Staff in the event of an appeal.

The Refusal Report was adopted by City Council on July 24 and 25, 2024. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.NY15.16>

On August 16, 2024, the applicant appealed City Council's refusal on the Official Plan and Zoning By-law Amendment applications to the OLT. The Site Plan Control application appeal is being held in abeyance pending the outcome of the Official Plan and Zoning By-law Amendment appeals.

The OLT held a Case Management Conference on January 24, 2025. An OLT Hearing is scheduled to commence on August 11, 2025.

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
4. Confidential Appendix "C" - Confidential Information