

77 Erskine Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: June 12, 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 September 20, 2022, a Zoning By-law Amendment application was submitted to permit the development of a 35-storey residential building containing 377 residential units (inclusive of 37 replacement rental dwelling units).

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on February 26, 2024.

The City Solicitor requires further directions for the OLT hearing timelines. 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" 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 September 20, 2022, a Zoning By-law Amendment application was submitted to permit the development of a 35-storey residential building containing 377 residential units (inclusive of 37 replacement rental dwelling units).

A Refusal Report was adopted by North York Community Council on June 4, 2024 then City Council on June 26 and 27, 2024, which refused to approve the application and directed the City Solicitor to attend the OLT in opposition to the application with appropriate City Staff in the event of an appeal. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.NY14.8>

On February 26, 2024, the applicant appealed City Council's refusal to pass the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on November 21, 2024. A second Case Management Conference is anticipated in July 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