



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2801 Keele Street and 6 Paxtonia Boulevard – Official Plan Amendment and Zoning By-law Amendment – Appeal Report – Ontario Land Tribunal Hearing – Request for Directions

Date: July 15, 2025

To: City Council

From: City Solicitor

Wards: Ward 5 - York Centre

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 March 31, 2023, Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications were received to permit an 11-storey (40.5 metres including mechanical penthouse) mixed-use building with 156 residential dwelling units and 388.82 square metres of at-grade commercial uses. On June 4, 2024, the applicant revised the proposal to increase the height, number of units, commercial space and gross floor area. It also included a privately-owned, publicly accessible space.

On August 23, 2024, the applicant appealed the Official Plan Amendment and Zoning By-law Amendment application 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 as there is a case management conference scheduled for September 2, 2025.

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 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 March 31, 2023, the City received an Official Plan Amendment and Zoning By-law Amendment application to permit a 11-storey mixed-use building. An Appeal Report on the application was adopted by City Council on December 17, 2024, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan Amendment and the Zoning By-law Amendment application and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Appeal Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2024/ny/bgrd/backgroundfile-250637.pdf>

On August 23, 2024, the applicant appealed the Official Plan Amendment and Zoning By-law Amendment application to the OLT due to Council not making a decision within the time frame prescribed in the *Planning Act*.

COMMENTS

The City Solicitor requires further instructions in 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