



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

220, 230 and 240 Lake Promenade and 21 and 31 Park Boulevard – Ontario Land Tribunal Hearing – Request for Directions

Date: July 14, 2025

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke-Lakeshore

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 April 17, 2023, the City received a request to amend the City of Toronto Official Plan, an application to amend the Zoning By-law and an application for Draft Plan of Subdivision (the "Applications"), for the lands municipally known as 220, 230 and 240 Lake Promenade and 21 and 31 Park Boulevard (the "Site") to permit the phased demolition of five existing seven-storey rental apartment buildings and the construction of five new residential apartment buildings. The new buildings would consist of two rental apartment buildings and three condominium apartment buildings containing 2,021 residential units, comprising 577 rental and 1,444 condominium units, with heights ranging from 12 to 30 storeys. A Rental Housing Demolition Application was also submitted on April 17, 2023.

On August 9, 2024, the applicant appealed City Council's neglect or failure to make a decision on the Applications (the "Appeal"), to the Ontario Land Tribunal (the "OLT"). The OLT held the first Case Management Conference ("CMC") on October 18, 2024 in respect of the Appeal. The Lake Promenade Tenants Association, the Long Branch Neighborhood Association and the Toronto Region Conservation Authority were granted party status in the Appeal. Hearing dates for the Appeal were set at the first CMC. The OLT set down a hearing for this matter from September 9 to October 6, 2025.

On December 17 and 18, 2024, City Council adopted the recommendations in the Appeal Report from the Director, Community Planning, Etobicoke York District, dated November 14, 2024, wherein Community Planning recommended, among things, that the City Solicitor attend the OLT in opposition to the Appeal, and that the City Solicitor

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and appropriate City staff continue discussions with the Applicant to address outstanding issues.

On March 13, 2025, the Applicant filed revised plans with the OLT (the "March 2025 Revised Plans"), which are summarized below.

On June 12, 13 and 27, 2025 City and the Applicant, together with other parties to the Appeal, participated in mediation in respect of the Appeal.

On July 4, 2025, the Applicant filed further revised plans with the OLT (the "Revised Plans"). The Revised Plans feature, among other things: a mixed-use development with five new residential buildings including retail at grade, three parks (A, B, and C), and POPS/landscaped open spaces.

On July 8, 2025, the City received a with prejudice, not confidential, settlement offer from the applicant's lawyers, McCarthy Tétrault LLP, which is attached to this report as Public Attachment 1 (the "Settlement Offer"). The Settlement Offer contains the Revised Plans. The Settlement Offer will remain open until the end of the City Council meeting commencing on July 23, 2025.

The Settlement Offer proposes, as part of any settlement reached with the City, a commitment to request that the OLT withhold its final order in this matter until a series of conditions are fulfilled.

The City Solicitor requires further directions for the upcoming hearing scheduled to commence for a period of five weeks on September 9, 2025. Given the deadline for the Settlement Offer and the upcoming hearing at the OLT, 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 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

As part of community consultation, four in-person working group meetings hosted by City staff took place on October 17, 2023, November 2, 2023, November 15, 2023 and July 4, 2024. Throughout the working group meetings, approximately 100 participants attended as well as the Ward Councillor and the Applicant's team. The Ward Councillor, City staff, and the applicant's team gave presentations and answered questions from the participants.

An Appeal Report on the applications was adopted by City Council on December 17 and 18, 2024 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. City Council's decision on the Appeal Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EY18.7>

COMMENTS

Settlement Offer

In response to the concerns raised by City staff with the Applicant throughout the community consultation working group meetings, the Appeal Report and the mediation sessions, the Revised Plans include a number of modifications. This table provides a comparison of the application as originally submitted in April 2023, the March 2025 Revised Plans and the Settlement Offer, including the built form and Site area changes:

	Original Drawings April 2023	March 2025 Revised Plans	Settlement Drawings July 2025
Net Site Area	28,870 square metres	28,870 square metres	28,584.7 square metres
Building A (storeys)	(Former B) 12	12	12
Building B (storeys)	(Former C) 12	16	16
Building C - East	(Former E North) 30	25	27
Building C - West (storeys)	(Former A North) 14	36	19
Building D – East	(Former E South) 30	25	29

	Original Drawings April 2023	March 2025 Revised Plans	Settlement Drawings July 2025
Building D – West (storeys)	(Former A South) 14	39	26
Building E (storeys)	(Former F) 12	10	14
Gross Floor Area	Residential: 129,343 square metres Non-Residential: 0 square metres	Res: 156,319.5 square metres Non-Residential: 776 square metres	Res: 154,982 square metres Non-Residential: 776 square metres
FSI	4.64	5.6	5.42
Units BR = bedroom(s)	Studio: 76 (4 percent) 1 BR: 438 (22 percent) 1 BR + Den: 922 (46 percent) 2 BR: 420 (21 percent) 3 BR: 165 (8 percent) Market Condo: 1,444 Market Rental: 29 Rental Replacement: 548 Total: 2,021	Studio: 241 (10 percent) 1 BR 965 (42 percent) 1 BR + Den: 262 (11 percent) 2 BR: 559 (24 percent) 2 BR + Den: 40 (1 percent) 3 BR: 241 (10 percent) Market Condo: 1,739 Market Rental: 21 Rental Replacement: 548 Total: 2,308	Studio: 10 percent 1 BR: 55 percent 2 BR: 25 percent 3 BR: 10 percent Condominium: 1,811 Rental Replacement: 548 Total: 2,359
Amenity Space	Indoor: 4,057 square metres Outdoor: 4,044 square metres	Indoor: 4,661 square metres Outdoor: 4,617 square metres	Indoor: 2 square metres per unit Outdoor: 2 square metres per unit
Vehicular Parking	1,307	1,189	1,189
Bicycle Parking	1,642	1,752	n/a
Parkland	5,031.7 square metres	3,221.6 square metres	3,596 square metres
POPS/ Landscaped Open Space	3,807.15 square metres	4,326.96 square metres	4,326.92 square metres

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. Public Attachment 1 - With Prejudice Settlement Offer from McCarthy Tétrault, dated July 8, 2025, including architectural plans and drawings prepared by BDP Quadrangle Architects, dated July 2, 2025
2. Confidential Attachment 1 - Confidential Recommendations and Confidential Information