



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

40-60 St. Lawrence Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: January 23, 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

In October 2014, two separate applications were submitted to amend the Site and Area Specific Policy 6 of the City's Official Plan and Zoning By-law 748-2006 of the former Etobicoke Zoning Code for lands then bearing the municipal address 1061 The Queensway, which lands included the subject site. Two associated applications were submitted: A Zoning By-law Amendment application for Phase 1 for the northern portion of the lands (for commercial buildings including a grocery store), and a combined Official Plan Amendment and Zoning By-law Amendment application for Phase 2 for the southern portion of the lands (for a residential development).

The 2014 proposal for the 40-60 St. Lawrence Avenue portion of the lands was for two residential buildings that were 22 and 27 storeys in height, connected by a four-storey base building. A total of 558 dwelling units were proposed.

In October 2017, an application for a consent to sever the property comprised of the Phase 1 and Phase 2 lands was approved and the Phase 2 lands, now addressed as 40-60 St. Lawrence Avenue, were sold to the current owner.

In June 2023, the applicant made a resubmission in respect of the 40-60 St. Lawrence Avenue lands to permit three mixed-use buildings of 26, 34, and 43 storeys in height on a five-storey base building (the "Applications"). A total of 1,166 condominium dwelling units were proposed in this resubmission.

On April 4, 2024, the applicant appealed City Council's non-decision on the Applications (for Official Plan and Zoning By-law Amendments) to the Ontario Land Tribunal ("OLT") (the "Appeals").

On May 14, 2024, City staff submitted an Appeal Report to Etobicoke York Community Council in respect of the Appeals.

On June 26, 2024, City Council considered the Appeal Report and adopted staff's recommendations, including to oppose the Appeals and to continue discussions with the applicant to resolve outstanding issues, without amendment.

On August 6, 2024, the OLT held a first case management conference ("CMC") in respect of the Appeals. A hearing was scheduled at this first CMC, which hearing is scheduled to commence on May 14, 2025.

On January 2, 2025, the applicant filed revised plans with the OLT, which plans will be the subject of the hearing scheduled to commence on May 14, 2025 (the "Revised Plans").

On January 22, 2025, the City received a with prejudice settlement offer from the applicant's lawyers, Aird & Berlis LLP, which is attached as Public Attachment 1 (the "Settlement Offer"). The revised plans associated with the Settlement Offer (the "Further Revised Plans") are attached as Public Attachment 2. The Settlement Offer will remain open until the end of the City Council meeting scheduled to commence on February 5, 2025.

The City Solicitor requires further directions in advance of the hearing scheduled to commence on May 14, 2025. This matter is urgent and should not 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

The Appeal Report in respect of the Applications was adopted by City Council on June 26, 2024 and can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EY14.4>.

COMMENTS

Settlement Offer

The Further Revised Plans propose, among other things, the following:

- A pedestrian north/south mid-block connection with a width of approximately 3.0 metres between Tower B and Tower C;
- Tower heights of 26, 37, and 43 storeys, with floor plates of 750 square metres;
- Decreased mechanical penthouse heights from 9.6 metres to 6.5 metres;
- A proposed unit mix that includes a minimum 10 percent of the units as three-bedroom units and 15 percent of the units as two-bedroom units, with 18 three-bedroom townhouse units in particular that exceed that City's Growing Up Guidelines for unit sizes (the number of townhouse units might change through the site plan approval process);
- A minimum amount of combined indoor and outdoor amenity space at a ratio of 4.0 square metres per unit, including a minimum of 2.0 square metres per unit of indoor amenity space (was previously 1.97 square metres per unit of indoor amenity space and 1.81 square metres per unit of outdoor amenity space);
- Modifications to the outdoor amenity space to include larger, more programmable outdoor spaces;
- Incorporation of pet amenities including a pet wash station and an approximately 89.84 square metre dog run; and
- The potential dedication to the City of approximately 465 square metres of community use space provided over two levels on the first and second storey of

Tower C and with its own dedicated entrance, on certain terms specified in the Settlement Offer.

The table below provides a comparison of the original and revised proposals for the Site:

Category	Appeal Report (Dated May 14, 2024)	Further Revised Plans (Dated Jan. 17, 2025)
Gross Density - Floor Space Index (FSI)	8.84	9.13
Gross Floor Area (GFA)	<ul style="list-style-type: none"> • 72,519 square metres total • 447 square metres Non-Residential GFA • 72,072 square metres Residential GFA 	<ul style="list-style-type: none"> • 74,980 square metres total • 481 square metres Non-Residential GFA • 74,499 square metres Residential GFA
Indoor Amenity	1.97 square metres/unit	2.10 square metres/unit
Outdoor Amenity	1.81 square metres/unit	2.10 square metres/unit
Units	1,166 dwelling units <ul style="list-style-type: none"> • 111 Studio (9.5 percent) • 649 One-bedroom (55.7 percent) • 261 Two-bedroom (22.4 percent) • 145 Three-bedroom (12.4 percent) 	1,223 dwelling units <ul style="list-style-type: none"> • 4 Studio (0.3 percent) • 802 One-bedroom (65.6 percent) • 294 Two-bedroom (24 percent) • 123 Three-bedroom (10.1 percent)
Tower Height (excluding Mechanical Penthouse)	<ul style="list-style-type: none"> • Tower A: 43 storeys (135 metres) • Tower B: 34 storeys (108 metres) • Tower C: 26 storeys (84 metres) 	<ul style="list-style-type: none"> • Tower A: 43 storeys (134.5 metres) • Tower B: 37 storeys (115.7 metres) • Tower C: 26 storeys (80.6 metres)
Base Building Heights	<ul style="list-style-type: none"> • Tower A: 5 storeys • Tower B: 5 storeys 	<ul style="list-style-type: none"> • Tower A: 4 storeys • Tower B: 4 storeys
Mechanical Penthouse Heights	9.6 metres	6.5 metres
Tower Floorplates (Gross Construction Area)	750 square metres	750 square metres

Category	Appeal Report (Dated May 14, 2024)	Further Revised Plans (Dated Jan. 17, 2025)
Resident Parking	422 resident parking spaces	375 resident parking spaces
Visitor Parking	60 visitor parking spaces	69 visitor parking spaces
Bicycle Parking	904 bicycle parking spaces	928 bicycle parking spaces

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

Jamie Dexter, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 394-2799;
Email: jamie.dexter@toronto.ca

Jessica Amey, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-1890;
Email: jessica.amey@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - With Prejudice Settlement Offer from Aird & Berlis LLP, dated January 22, 2025
2. Public Attachment 2 - Further Revised Plans by Wallman Architects, dated January 17, 2025
3. Confidential Attachment 1 - Confidential Information