



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **170 Spadina Avenue and 3, 5 and 7 Cameron Street - Zoning Amendment Application - Request for Directions**

**Date:** December 3, 2018  
**To:** City Council  
**From:** City Solicitor  
**Wards:** Ward 10 - Spadina-Fort York

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

#### **SUMMARY**

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The purpose of this report is to seek further instructions for the Local Planning Appeal Tribunal (LPAT) hearing on the appeal of the Zoning By-law Amendment application at 170 Spadina Avenue, and 3, 5 and 7 Cameron Street (the "Subject Site").

The appeal of the Zoning By-law Amendment application for the Subject Site was previously heard by the Ontario Municipal Board (OMB) in February and August of 2016. In a decision dated February 7, 2017, the OMB dismissed the appeal but gave the applicant an opportunity to revise their proposal based on certain development principles that were found to be appropriate by the OMB.

This matter is scheduled to resume at the LPAT on January 10, 2019. The City Solicitor requires further direction.

#### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.

2. If the confidential recommendations are adopted by City Council, City Council authorize the public release of:
  - a. the confidential recommendations in Confidential Attachment 1, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege; and
  - b. Confidential Attachment 2.

## **FINANCIAL IMPACT**

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On March 20, 2012, the Toronto and East York Community Council considered a preliminary report on a zoning-bylaw amendment application for 170 Spadina Avenue. The report can be accessed at:

<https://www.toronto.ca/legdocs/mmis/2012/te/bgnd/backgroundfile-45443.pdf>

In August 2014, the application was appealed to the OMB. The Applicant then purchased additional lands at 3, 5, and 7 Cameron Street and submitted revised plans in support of the application on the now expanded property, and elected to continue with the OMB appeal.

On September 30, 2015, City Council authorized the City Solicitor and City Staff to continue negotiations with the appellant and, in the event these negotiations failed, to attend the OMB in opposition to the proposed development. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE10.10>

A settlement was not reached and the City attended a contested hearing that occurred over 5 days beginning February 6, 2016 and an additional 4 days beginning on August 15, 2016.

On February 6, 2017, the OMB issued a decision dismissing the appeal and instructed the parties to work together toward a revised building with: a maximum height of 12 storeys; a reasonable facing distance between the proposed building and the existing building at 174 Spadina Avenue; an appropriate transition to the low-rise area to the south, to the north, and to the semi-detached buildings to the west; and a massing that fits harmoniously into the built form context north of Queen Street West. The OMB decision can be accessed at:

<http://www.omb.gov.on.ca/e-decisions/pl140705-Feb-06-2017.pdf>

## **COMMENTS**

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This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 and Attachment 2, to this report contains confidential information. The City Solicitor requires directions before the January 10, 2019 LPAT hearing.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Recommendations and Confidential Information.

Confidential Attachment 2 - Confidential Information