



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**99 Sudbury Street - Request for directions regarding  
Ontario Municipal Board Appeal**

<b>Date:</b>	July 11, 2016
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 18 - Davenport
<b>Reason for Confidential Information:</b>	This report contains advice or communication that is subject to solicitor-client privilege. This report contains information regarding potential litigation.
<b>Reference Number:</b>	14 135661 STE 18 OZ

**SUMMARY**

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The purpose of this report is to seek instruction for an OMB Appeal on the above-noted matter. The hearing has not yet been scheduled.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report and the information contained in Appendix "A" be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential.

**Financial Impact**

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

## **DECISION HISTORY**

The owner of the property at 99 Sudbury Street has appealed its rezoning amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*. No hearing has been scheduled yet.

This application proposes a 26-storey mixed-use building containing a hotel, event space, ancillary retail, and residential uses at 99 Sudbury Street. The first 6 storeys of the building would contain the hotel and commercial uses (including 157 hotel rooms), and the 20-storeys above would contain 209 residential units.

A preliminary report by the Director, Community Planning, Toronto East York District, was considered by Toronto East York Community Council on June 17, 2014. In the report, Planning staff indicated that the application in its current form could not be supported. Staff was directed to continue discussions with the applicant to address the issues outlined in the report.

The issues outlined in the report included concern over the proposed height and uses, as well as shadow impacts. The site abuts the Lower Galt Subdivision Rail Line which houses a major GO Transit line used for commuter trains and as such, has particular sensitivities that required careful consideration by staff.

For a more detailed Decision History, see the Preliminary Report of October 23, 2015 from the Director, Community Planning, Toronto East York District, at the following link:

<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-69591.pdf>

## **ISSUE BACKGROUND**

Further information has been received which has resulted in the need for directions from City Council.

## **COMMENTS**

This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Brian Haley  
Interim City Solicitor

## **ATTACHMENTS**

Attachment 1 - Confidential Information