

10 St. Mary Street - OMB Appeal - Request for Direction

Date: March 1, 2017

To: City Council

From: City Solicitor

Wards: Ward 27 - Toronto Centre-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

An application was submitted to amend the Zoning By-law for the lands at 10 St. Mary Street and to demolish an 8-storey designated heritage office building on the site in order to construct a 42-storey mixed-use building with 255 residential dwelling units and 251 square metres of ground floor retail. The application was appealed to the Ontario Municipal Board (OMB) for Council's failure to make a decision on the application within the prescribed timelines in the *Planning Act*, and a hearing was scheduled to commence on November 1, 2016.

On May 3, 2016, the City received a without prejudice settlement offer from the applicant. At its meeting on June 7, 8 & 9, 2016, Council refused the settlement offer and refused the demolition permit application. The owner appealed Council's decision to refuse the demolition permit application to the OMB and this appeal has been consolidated with the Zoning By-law appeal.

The November 1, 2016 hearing was adjourned and a pre-hearing has been scheduled for May 24, 2017. The City Solicitor seeks further direction on this matter no later than the completion of the City Council meeting on March 9, 2017.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of:
 - a. the recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege),
 - b. all of Confidential Attachment 2, and
 - c. all of Confidential Attachment 3.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendation.

DECISION HISTORY

On October 8, 9, 10 & 11, 2013, City Council adopted Official Plan Amendment 183 – North Downtown Yonge Site and Area Specific Policy and Draft North Downtown Yonge Urban Design Guidelines, which identified the property at 10 St. Mary Street as having potential heritage value.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY12.29>
<http://www.toronto.ca/legdocs/mmis/2013/te/bqrd/backgroundfile-59537.pdf>

On November 19, 2013, the TEYCC adopted Item TE28.89 – Request for Report on the Potential Designation of 10 St. Mary Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.89>

On May 6, 2014, City Council stated its Intention to Designate the property at 10 St. Mary Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE31.16>

On May 6, 7 & 8, 2015, the property at 10 St. Mary Street was designated by City Council under By-Law No. 353-2015. The designating by-law was brought forward after the appeal period for the designation expired without appeal.

<http://www.toronto.ca/legdocs/bylaws/2015/law0353.pdf>

On November 3 & 4, 2015, City Council adopted Item TE11.6 – Request for Directions Report – 10 St. Mary Street – Zoning Amendment Application, opposing the proposed development appeal at the OMB.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE11.6>

On June 7, 8 & 9, 2016, City Council adopted Item CC19.9 – Request for Directions Report – 10 St. Mary Street – Zoning Amendment Application and Demolition of Designated Heritage Property, refusing the application to demolish the building at 10 St. Mary, and refusing a without prejudice settlement offer dated May 3, 2016.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC19.9>

COMMENTS

The City Solicitor requires further direction in this matter prior to the conclusion of the March 9, 2017 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor
Confidential Attachment 2 - Confidential Information
Confidential Attachment 3 - Confidential Information