



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

698-706 Spadina Avenue and 54 Sussex Avenue- Zoning By-law Amendment Application - Request for Directions

Date: July 16, 2018

To: City Council

From: City Solicitor

Wards: Ward 20 - Trinity Spadina

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

SUMMARY

Further direction from City Council is required on this matter which has been appealed to the Local Planning Appeal Tribunal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report (July 16, 2018) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, Confidential Appendix A and Confidential Schedules A.1., A.1.1., A.1.2., A.1.3., A.1.4., A.1.5., A.1.6. (all on file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting) to the July 16, 2018 report from the City Solicitor.
3. City Council direct that the balance of Confidential Attachment 1 to the report (July 16, 2018) from the City Solicitor remain confidential as it contains advice which is subject to solicitor-client privilege.

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 applicant submitted a Zoning By-law Amendment application on July 21, 2016 for the lands comprising 698 to 706 Spadina Avenue and 54 Sussex Avenue. A related Rental Housing Demolition application was submitted on October 20, 2016.

At its meeting of March 9, 2017, City Council on the recommendation of the Chief Planner and Executive Director, City Planning Division and the Toronto Preservation Board, included the property at 698 Spadina Avenue on the City of Toronto's Heritage Register and, Council stated its intention to designate such property under Part IV of the Ontario Heritage Act.

A link to the City Council decision and report from the Chief Planner and Executive Director, City Planning Division can be found below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE22.19>

The applicant objected to the City Council decision stating its intention to designate 698 Spadina Avenue under Part IV of the *Ontario Heritage Act* and that objection was referred to the Conservation Review Board (CRB) for a hearing and report.

On May 15, 2017, the applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) due to City Council's failure to make a decision on the application within the time prescribed by the Planning Act.

At its meeting of October 2, 3 and 4, 2017, amongst other matters, City Council authorized the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the Zoning By-law amendment application and authorized the City Solicitor and appropriate staff to continue negotiations with the applicant to address the issues outlined in the report (August 18, 2017) from the Director, Community Planning, Toronto and East York District, including appropriate heights and massing for this development site and appropriate public benefits to be secured pursuant to Section 37 of the *Planning Act*, and participate in formal mediation, within the context of the Ontario Municipal Board appeal process, with the applicant (The Daniels Corporation and the University of Toronto), and local residents, including the Harbord Village Residents Association, in consultation with the Ward Councillor.

In addition, City Council deferred making a decision on the related Rental Housing Demolition application (File 16 240238 STE 20 RH) under Municipal Code, Chapter 667 pursuant to Section 111 of the *City of Toronto Act*, 2006 to demolish the 6 existing rental dwelling units at 698 and 700 Spadina Avenue and instructed staff to report on the Section 111 Application to Toronto and East York Community Council at such time as an Ontario Municipal Board decision has been issued regarding the Zoning By-law

Amendment appeal for the lands at 698, 700, 702, 704, 706 Spadina Avenue and 54 Sussex Avenue.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.21>

The first prehearing conference was held by the Ontario Municipal Board on January 3, 2018 for the zoning by-law amendment appeal. A further prehearing for this appeal is scheduled for September 20, 2018. In addition, the Conservation Review Board requires a written update be provided by the parties on September 21, 2018 regarding the heritage designation objection.

The purpose of this report is to seek further instruction in relation to the ongoing zoning by-law amendment appeal at the Local Planning Appeal Tribunal ("LPAT").

COMMENTS

This report is about ongoing litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from City Solicitor
Confidential Appendix A - Confidential Information (On file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting)
Confidential Schedule A.1. – Confidential Information (On file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting)
Confidential Schedule A.1.1. – Confidential Information (On file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting)
Confidential Schedule A.1.2. – Confidential Information (On file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting)

Confidential Schedule A.1.3.– Confidential Information (On file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting)

Confidential Schedule A.1.4. – Confidential Information (On file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting)

Confidential Schedule A.1.5. – Confidential Information (On file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting)

Confidential Schedule A.1.6. – Confidential Information (On file with City Clerk for the purpose of the July 23, 24 and 25, 2018 City Council Meeting)