



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

10 St. Mary Street, 81 - 85 St. Nicholas Street, 710 - 718 Yonge Street - LPAT Appeal - Request for Direction

Date: January 23, 2019

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto Centre

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 and at its meeting on June 7, 8 & 9, 2016, Council refused the settlement offer. On February 28, 2017, the City received a without prejudice settlement offer for a revised development proposal, and at its meeting on March 9, 2017, Council accepted the settlement offer. On June 9, 2017 the OMB provisionally approved the Zoning By-law amendment, holding its final Order until certain matters were completed by the parties. The OMB final Order has not been issued.

The City Solicitor seeks further direction on this matter no later than the completion of the City Council meeting on January 30 and 31, 2019.

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); and
 - b. all of Confidential Attachments 2 and 3.

FINANCIAL IMPACT

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

DECISION HISTORY

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 Zoning By-law amendment 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, refusing an 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>

On March 9, 2017, City Council adopted Item CC26.5 – Request for Direction Report – 10 St. Mary Street – Zoning Amendment Application, accepting a without prejudice settlement offer dated February 28, 2017.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC26.5>

COMMENTS

The City Solicitor requires further direction in this matter prior to the conclusion of the January 30 and 31, 2019 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 - Additional Confidential Material
Confidential Attachment 3 - Additional Confidential Material (on file with the City Clerk for the purpose of the January 30 and 31, 2019 City Council meeting)