



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

129-131 McCaul Street, 292-294 Dundas Street West and 170 St. Patrick Street - Zoning Amendment Application – Request for Directions Regarding LPAT Hearing

Date: May 6, 2019
To: Toronto City Council
From: City Solicitor
Wards: Ward 11 - University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

1. This report concerns litigation or potential litigation that affects the City of Toronto.
2. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to seek further instruction for the Local Planning Appeal Tribunal (LPAT) hearing on the appeal of the Zoning By-law amendment application at 129-131 McCaul Street, 292-294 Dundas Street West and 170 St. Patrick Street. A hearing is scheduled on this matter for July 8, 2019.

This report was prepared in consultation with City Planning.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the recommendations contained in the Confidential Attachment 1, Confidential Appendix A and B, if adopted by City Council, but that the remainder of the Confidential Attachment 1 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

On August 31, 2017, a zoning by-law amendment application was submitted to permit a 39-storey mixed use building on Dundas Street West bordered between McCaul Street and St. Patrick Street. The proposal consisted of 382 residential units on the fourth to thirty eighth floors, and a mix of uses between the ground to fourth floor containing retail, accessory uses for the adjacent church such as community and office space, as well as a day-care facility. The proposed overall height of the building would be 127 metres, inclusive of the mechanical penthouse, and the proposed floor space index was 15.5 times the lot area. A 321 square metre encumbered parkland dedication was proposed at the northwest corner of Dundas Street West and McCaul Street. Three levels of underground parking were proposed containing 90 vehicular parking spaces.

On December 29, 2017, the applicant appealed the Zoning By-law amendment application to the Local Planning Appeal Tribunal ("LPAT") citing the Council's failure to make a decision within the time required by the *Planning Act*.

On May 22, 2018 City Council adopted Item TE32.15 and instructed the City Solicitor to attend the LPAT in opposition to the appeals relating to the lands. For more information:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-114346.pdf>

COMMENTS

The LPAT has scheduled a 10-day hearing starting on July 8, 2019 on this matter. The City Solicitor requires further direction.

This report is about ongoing litigation before the LPAT 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 City Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix A - Confidential Information
3. Confidential Appendix B - Confidential Information