



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

451-457 Richmond Street West – Appeal of LPAT Decision

Date: September 23, 2019
To: City Council
From: City Solicitor
Wards: Ward 10 – Spadina-Fort York

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

On July 15, 2019, the Local Planning Appeal Tribunal (the “LPAT”) issued a decision approving, in part, the Zoning By-law Amendment Application made pursuant to section 34(11) of the *Planning Act* for the property at 451-457 Richmond Street West. The *Local Planning Appeal Tribunal Act* allows the parties to a hearing to seek a review of a decision of the LPAT. The *Local Planning Appeal Tribunal Act* also allows the parties to a hearing to seek leave to appeal a decision of the LPAT to the Divisional Court. The City Solicitor requires further directions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report dated September 23, 2019 from the City Solicitor.
2. If adopted, City Council authorize the public release of Confidential Recommendation Number 1 in the Confidential Attachment 1 to the Report from the City Solicitor and direct that all other information in Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

The financial implications are set out in Confidential Attachment 1.

DECISION HISTORY

City Council's decision to designate the King-Spadina Heritage Conservation District Under Part V of the Ontario Heritage Act, on October 2, 2017, is found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

City Council's inclusion of the property located at 457 Richmond Street West, in the City's Heritage Register, dated December 5, 2017, is found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.12>

A Request for Directions Report from the Acting Director, Community Planning, Toronto and East York District, dated February 2, 2018 was adopted by City Council on March 26, 2018. City Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE30.12>

COMMENTS

The rezoning application proposed to redevelop the site at 451-457 Richmond Street West with a 19-storey, 57 metres high (including mechanical penthouse), mixed-use building containing retail uses at grade.

City Council, on December 5-8, 2017, listed the property at 457 Richmond Street West in the City's Heritage Register under Section 27 of the *Ontario Heritage Act*. The Site is also subject to the King-Spadina Heritage Conservation District designation, as adopted by Council on October 2, 2017. The Part V District designation under the *Ontario Heritage Act* remains under appeal and is not yet in force. The hearing of the Part V designation is scheduled to take place commencing on April 6, 2020.

The rezoning application did not propose to conserve the heritage building on the property at 457 Richmond Street West. The City's position at the hearing was that the proposal was not consistent with the Provincial Policy Statement, failed to conform to the Growth Plan and the City's Official Plan in failing to conserve heritage resources and in the proposed overdevelopment of the site. Commencing on June 10, 2019, the LPAT heard the Applicant's appeal and on July 15, 2019, the LPAT issued its Decision granting the Applicant's appeals thereby approving the site specific Zoning By-Law Amendment Applications.

The attached Confidential Attachment 1 from the City Solicitor provides legal advice and seeks direction from City Council with respect to the LPAT decision.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 – Confidential Information