

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

Date: January 18, 2019

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 28, Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

This report concerns litigation or potential litigation that affects the City of Toronto.

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

SUMMARY

The purpose of this report is to seek further instruction in relation to a development application for a site that contains several heritage resources, and a related ongoing appeal at the Local Planning Appeal Tribunal ("LPAT").

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 instructions in Confidential Attachment 1 and Confidential Appendices "A" through "D", if adopted by City Council, with the balance of the Confidential Attachment 1 to 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 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, that included a direction for the Chief Planner and Executive Director, City Planning to report to the Toronto Preservation Board with recommendations regarding the proposed alterations under the Ontario Heritage Act and the designation of the properties at 718 Yonge Street and 81 St. Nicholas under Part IV of the Ontario Heritage Act.

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

On April 26, 27 and 28, 2017, City Council adopted Item MM26.5 – Alterations to Designated Heritage Properties, Intention to Designate, Amendment of Designating By-law & Authority to Enter into Heritage Easement Agreements - 10 St. Mary Street, 81 & 85 St. Nicholas Street & 718 Yonge Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM28.46>

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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 and should be considered by the Preservation Board *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from City Solicitor
Confidential Appendix A (On file with City Clerk for purpose of the January 23, 24 and 25, 2019 City Council Meeting)
Confidential Appendix B (On file with City Clerk for purpose of the January 23, 24 and 25, 2019 City Council Meeting)
Confidential Appendix C (On file with City Clerk for purpose of the January 23, 24 and 25, 2019 City Council Meeting)
Confidential Appendix D (On file with City Clerk for purpose of the January 23, 24 and 25, 2019 City Council Meeting)