

**465 - 471 Richmond Street West and 38 Camden Street
- Request for Directions Regarding LPAT Hearing**

Date: March 1, 2021

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina-Fort York

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On September 12, 2019, a Zoning By-law Amendment application was submitted proposing a 17-storey (51.2 metres including mechanical penthouse) hotel building fronting 465-471 Richmond Street West and a 15-storey (44.25 metres including mechanical penthouse) hotel building fronting 38 Camden Street. The two hotel components would be connected by a common, two-storey base building. The existing significant built heritage resource on the designated heritage property at 38 Camden Street is proposed to be demolished.

On January 14, 2020, the applicant filed an appeal of the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (the "LPAT"), citing Council's failure to make a decision on the application within the prescribed timelines of the Planning Act. The applicant subsequently filed a demolition application and appeal to the LPAT under the Ontario Heritage Act. A hearing is scheduled to commence on May 25, 2021 for twelve (12) days to address both the Planning Act and Ontario Heritage Act appeal.

On September 30 and October 1 and 2, 2020, City Council refused the demolition application and directed the City Solicitor to oppose the applications before the Local Planning Appeal Tribunal.

The purpose of this report is to request further instructions regarding a matter appealed to the LPAT.

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RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (March 1, 2021) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Appendix "A", Confidential Appendix "B" and Confidential Appendix "C", to the report (March 1, 2021) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (March 1, 2021) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, 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 December 5, 2017, the property at 38 Camden Street was included on the City of Toronto's Heritage Register.

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

On December 17 and 18, 2019, City Council stated its Intention to Designate the property at 38 Camden Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.8>

No objections to the Intention to Designate were made and on February 26, 2020, City Council passed By-law No. 236-2020 designating the property at 38 Camden Street under Part IV of the Ontario Heritage Act.

<https://www.toronto.ca/legdocs/bylaws/2020/law0236.pdf>

On September 30 and October 1 and 2, 2020, City Council refused the demolition permit application for the property municipally known as 38 Camden Street. The City Council direction may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.14>

On September 30 and October 1 and 2, 2020, City Council also directed the City Solicitor and City Staff to attend the Local Planning Appeal Tribunal to oppose the

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applicant's appeal respecting the Zoning By-law Amendment for 465-471 Richmond Street West and 38 Camden Street. City Council's decision may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.12>

On February 17, 2021, the Toronto Preservation Board considered a Confidential Report from the City Solicitor. The Toronto Preservation Board item may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PB21.1>

COMMENTS

The City Solicitor requires further instructions. This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" - Confidential Information

Confidential Appendix "B" - Confidential Information

Confidential Appendix "C" - Confidential Information

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