

**Bathurst Street - Queen Street West to Dupont Street  
(OPA 246) - Request for directions regarding Local  
Planning Appeal Tribunal Appeal**

**Date:** March 2, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11

**REASON FOR CONFIDENTIAL INFORMATION**

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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**

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In August 2014, City Council adopted Official Plan Amendment 246, called Bathurst Street - Queen Street West to Dupont Street ("OPA 246"). The OPA was appealed by two parties, Torgan Management Inc. in respect of its property at 844 Bathurst Street and University Health Network ("UHN") in respect of the Toronto Western Hospital property, located at 399 Bathurst Street. The purpose of this report is to seek instruction for the LPAT appeal by the UHN. No LPAT hearing has been scheduled yet.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report and Confidential Appendix "A" be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential.

## **FINANCIAL IMPACT**

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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In July 2012, City Council directed staff to initiate a planning study focussing on built form and land use on both sides of Bathurst Street from Dupont to Queen Street: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE17.57>

In a report dated May 29, 2014 planning staff outlined its Official Plan Amendment direction, requested the initiation of the Bathurst/Bloor Area Study and a Heritage Conservation District Study for Mirvish Village, and brought forward zoning by-law amendments to limit the size of any one retail establishment in the study area. The report was adopted by Council at its meeting of July 8, 2014: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.7>

The final report recommending the adoption of OPA 246 was adopted by City Council at its meeting of August 25, 2014: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.8>

## **ISSUE BACKGROUND**

The intent of the Bathurst Street Built Form and Land Use Study, which resulted in OPA 246, was to create a framework for development for the lands located on Bathurst Street between Queen Street West and Dupont Street that better defined the role of Bathurst Street as the western boundary of the "Downtown and Central Waterfront" in the Official Plan Urban Structure Map. The policies of OPA 246 were developed to ensure that new development fits appropriately in its context, transitions appropriately to adjacent areas of lower scale intensity, limits light, view, and privacy impacts on surrounding streets and properties, expands and enhances the public realm, and includes appropriately scaled retail spaces.

Subsequent to its adoption by City Council, OPA 246 was appealed by two parties. Further information has been received with respect to the appeal by the UHN regarding the Toronto Western Hospital site which has resulted in the need for direction from City Council.

## **COMMENTS**

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This report is about 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 Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Advice Subject to Solicitor-Client Privilege

Confidential Appendix "A" - Confidential Information