

**90 and 100 Simcoe Street, 130 Pearl Street, and 203,  
207 and 211 Adelaide Street West - Zoning By-law  
Amendment Application - Request for Direction  
Report**

**Date:** April 28, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 10 – Trinity-Spadina

**REASON FOR CONFIDENTIAL INFORMATION**

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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**

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The purpose of this report is to seek further instruction in relation to a development application for a site that contains a heritage resource that has been identified at 100 Simcoe Street and a related ongoing development appeal at the Local Planning Appeal Tribunal ("LPAT"). An LPAT Case Management Conference has been scheduled for May 3-4.

**RECOMMENDATIONS**

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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 the whole of Confidential Attachment 2 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**

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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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### **Related Development Application**

An application was filed with the City in 2016 to permit a zoning by-law amendment for 90 and 100 Simcoe Street, 130 Pearl Street, and 203, 207 and 211 Adelaide Street West to permit a 59-storey mixed-use building with 524 dwelling units, 17,171 square metres of office floor area, and 785 metres of retail floor area. The proposal included the demolition of the entirety of the listed heritage property at 100 Simcoe and the adjacent parking garage structure and their replacement with a 51-storey tower atop an 8-storey base building.

The owner appealed the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (the "LPAT") due to City Council's failure to make a decision on the application within the time prescribed by the Planning Act. At its meeting of July 23, 2018 City Council instructed the City Solicitor and City staff to attend the LPAT in opposition to the Zoning By-law Amendment application but to continue discussion with the applicant to resolve a list of issues:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.35>

The property at 100 Simcoe Street was included on the City of Toronto's Heritage Register on March 9, 2017. And City Council stated its intention to designate 100 Simcoe under Part IV of the Ontario heritage Act on December 16, 2020, which has subsequently been appealed to the Conservation Review Board:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE21.15>

The owner and the City have continued discussions on the development application as the LPAT process is ongoing.

## **COMMENTS**

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### **2016 Zoning By-law Amendment Proposal**

A Zoning By-law Amendment Application was submitted in 2016 proposing a 59-storey (214.5m including mechanical penthouse) mixed-use building including retail, office and residential uses at 100 and 130 Simcoe Street, 99 Pearl Street, and 203 and 211 Adelaide Street West. The Rolph and Clark Limited Building at 100 Simcoe Street had been identified in the Council approved King-Spadina Heritage Conservation District Plan as contributing to the heritage character of the area. This heritage building was proposed to be demolished.

The City had issues and concerns regarding the project resulting in the applicant submitting an appeal to the Local Planning Appeal Tribunal.

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 City 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 Report from City Solicitor  
Confidential Attachment 2 – Confidential Information