

**840-860 Dupont Street - Zoning Amendment
Application - Further Request for Direction**

Date: April 28, 2021

To: City Council

From: City Solicitor

Wards: Ward 11 - University-Rosedale

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

Tridel (the "**Applicant**") is the owner of lands municipally known as 840 and 860 Dupont Street on the north side of Dupont Street, west of Shaw Street (the "**Subject Site**"). In July, 2013, the previous owner of the Subject Site filed an application to amend the City of Toronto Official Plan (the "**Official Plan Amendment Application**") and Zoning By-law 438-86, as amended, (the "**Zoning By-law Amendment Application**"), to permit a mixed-use development at 840 and 860 Dupont Street.

On August 27, 2015, the Official Plan Amendment Application and the Zoning By-law Amendment Application were appealed to the Ontario Municipal Board ("**OMB**"), now known as the Local Planning Appeal Tribunal ("**LPAT**").

On March 31, 2016 and April 1, 2016, City Council adopted a recommendation from the City Solicitor to accept a settlement offer (the "**Settlement Offer**"), which was set out in a letter dated February 26, 2016. City Council authorized the City Solicitor and appropriate City Staff to attend the OMB hearing in support of the revised proposal of a 9-storey mixed-use development containing 331 residential units, as detailed in the Settlement Offer. City Council also authorized the entering into an agreement pursuant to Section 37 of the Planning Act.

On May 11, 2016, the City Solicitor and City Staff attended the settlement hearing before the OMB. On February 1, 2017, the OMB issued an Interim Order (the "**Interim Order**") allowing the Applicant's appeal of the Zoning By-law Amendment Application and the Official Plan Amendment Application, but withheld a final order pending notification from the City Solicitor that requisite conditions are satisfied.

The purpose of this report is to request further instructions.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, and Confidential Attachment 2, to this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 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 March 31, 2016, City Council adopted recommendations from the City Solicitor on the subject of 840 and 860 Dupont Street in the context of a request for directions respecting the "Dupont Street Study Area (Spadina Avenue to Ossington Avenue) Ontario Municipal Board Hearing". The Council Item can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC17.1>

COMMENTS

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

CONTACT

Jason Davidson, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4835; Fax (416) 397-5624; Email: jason.davidson@toronto.ca

Michael Mahoney, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4846; Fax (416) 397-5624; Email: michael.mahoney@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information