



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street - Request for directions regarding LPAT Appeal

**Date:** April 28, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 13

#### **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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The purpose of this report is to seek instruction for a matter before the Local Planning Appeal Tribunal (LPAT).

#### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. The recommendations contained in Confidential Attachment 1 to this report and Appendices "A" and "B" 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 October 2016, the applicant submitted a Zoning By-law amendment application proposing a mixed-use development at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street, comprising two 32-storey residential towers connected by two multi-storey bridges, a base building with retail space on the ground floor and second floor and a new public parkette. The applicant submitted a revised proposal on January 17, 2017, which made minor revisions to the proposal, increasing the proposed GFA marginally.

At its meeting on January 31, 2017, City Council refused the application to amend the Zoning By-law because the proposal did not satisfy urban design and heritage preservation objectives, nor did it provide sufficient replacement of office space, contrary to policies in the Official Plan and Provincial Policy Statement. City Council authorized the City Solicitor and appropriate City staff to appear before the LPAT (then OMB) in support of City Council's decision. For a more detailed Decision History, see the December 16, 2016 Refusal Report from the Director, Community Planning, Toronto East York District, at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-99364.pdf>

At its meeting on April 26, 27 and 28, 2017, City Council stated its intention to amend City of Toronto By-law 855-88 to update and revise the reasons for designation under Part IV of the *Ontario Heritage Act* for 260 King Street East to include 254, 256, and 266 King Street East, 427 and 435 Adelaide Street East, and 157 Princess Street in accordance with the Statement of Significance in Attachment 4 to the staff report dated March 9, 2017. For a more detailed Decision History, see the March 9, 2017 report from the Director, Chief Planner and Executive Director, City Planning Division, at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-101805.pdf>

On February 27, 2017, the applicant appealed City Council's decision to refuse the proposed Zoning By-Law amendment to the LPAT (then OMB).

At its meeting of March 26, 2018, City Council adopted Item CC38.8, accepting a settlement offer from counsel for the proponent and instructing the City Solicitor and appropriate City Staff to attend at the LPAT in support of the settlement. The recommendations as adopted are at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC38.8>

Report for Action with Confidential Attachment on 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street  
LPAT Appeal

## **ISSUE BACKGROUND**

Further information has been received 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 Report from City Solicitor

Appendix "A" - Confidential Information

Appendix "B" - Confidential Information