



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

265 (263) Queen Street East, 90 Ontario Street and 384 and 410 Richmond Street East - Request for Directions Report

Date: March 29, 2021
To: Toronto Preservation Board and City Council
From: City Solicitor
Wards: Ward 13 - Toronto Centre

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

The purpose of this report is to seek further instruction in relation to a development application for a site that contains several heritage resources, and a related ongoing appeal at the Local Planning Appeal Tribunal ("LPAT").

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (March 29, 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 29, 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 29, 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 November 8, 2016, the properties at 78 and 90 Ontario Street, 384 and 410 Richmond Street East, and 245 Queen Street East 38 were included on the City of Toronto's Heritage Register.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.18>

On November 8, 2016, City Council stated its Intention to Designate the properties at 90 Ontario Street, 384 Richmond Street East, 410 Richmond Street East, 78 Ontario Street and 245 Queen Street East, including the convenience address at 251 Queen Street East.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.18>

These designations have been appealed and are currently pending review by the Conservation Review Board.

The properties at 263 & 265 Queen Street East are designated under Part IV of the Ontario Heritage Act by By-law No. 990-2015, enacted by City Council on October 2, 2015: <https://www.toronto.ca/legdocs/bylaws/2015/law0990.pdf>

On June 26, 2018, City Council directed the City Solicitor and City Staff to attend the Local Planning Appeal Tribunal to oppose the applicant's appeal respecting the Official Plan Amendment and Zoning By-law Amendment for 245-285 Queen Street East, 348-410 Richmond Street East, 88-106 Ontario Street and 8-12 Bridgen Place. City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.6>

On July 23, 24, 25, 26, 27 and 30, 2018, City Council accepted a settlement offer and directed the City Solicitor and City Staff to attend at the Local Planning Appeal Tribunal to advise that City Council supports a settlement in principle of the Official Plan Amendment and Zoning By-law Amendment applications, subject to conditions. City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.36>

On October 29, 2019, City Council directed the City Solicitor to attend the Local Planning Appeal Tribunal to request that certain conditions be imposed on an application for consent to sever the lands at 245-283 Queen Street East, 348-354 Richmond Street East and 106-110 Ontario Street into two lots. City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM11.29>

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

Cigdem Iltan, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-1652; Fax: (416) 397-5624; Email: Cigdem.Iltan@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix "A" to Confidential Attachment 1 - Confidential Information
3. Confidential Appendix "B" to Confidential Attachment 1 - Confidential Information
4. Confidential Appendix "C" to Confidential Attachment 1 - Confidential Information