

31 Parliament Street - LPAT Appeal - Request for Directions

Date: June 1, 2021

To: City Council

From: City Solicitor

Wards: Ward 13 –Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations and contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to seek further instruction regarding the Local Planning Appeal Tribunal (LPAT) hearing and decision regarding the appeals of proposed Official Plan amendment (OPA) and Zoning By-law amendment (ZBA) applications at 31 Parliament Street. The City and owner reached a settlement on the appeal as endorsed by City Council at its meeting on April 25, 2018. On July 19, 2018 the LPAT issued a decision allowing the appeal subject to certain conditions and withheld a final order pending confirmation from the City Solicitor that the OPA and ZBA were in a final form satisfactory to the City. The City Solicitor now requires further directions from City Council.

RECOMMENDATIONS

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 recommendations contained in Confidential Attachment 1 and all of Confidential Attachment 2, if the recommendations

are adopted by City Council, but that the remainder of the Confidential Attachment 1 remain confidential, 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 September 7, 2016, the Toronto and East York Community Council considered a preliminary report on the application for 31 Parliament Street. The report stated the proposal was over-development and does not conform to the emerging policy direction of Official Plan Amendment 304 (OPA 304) - an amendment to update the policy framework for the Triangle Lands and Gooderham and Worts Special Identity Area in the King-Parliament Secondary Plan. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.44>

On January 12, 2017, the applicant appealed the application to the LPAT pursuant to section 34(11) of the Planning Act due to the expiration of statutory timelines for a decision by City Council.

On January 31, 2017, City Council refused the application and adopted the recommendations of the refusal report. The report stated the proposal was over-development, does not conform to the overall objectives of the Official Plan and the King-Parliament Secondary Plan and does not fit within the existing context and planned context expressed in the emerging policy direction of OPA 304. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.8>

On April 25, 2018 City Council accepted a settlement offer from the owner and authorized the City Solicitor to advise the LPAT of the settlement subject to certain conditions and to finalize all elements of the settlement. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC39.12>

COMMENTS

The City Solicitor has received further confidential communications on this matter and requires further direction.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from City Solicitor

Confidential Attachment 2 – Confidential Information