

Alterations to Heritage Properties at 8 Elm Street, 348 – 350 Yonge Street, and 352-354 Yonge Street

Date: June 1, 2021

To: Toronto Preservation Board and 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 litigation or potential litigation.

SUMMARY

The purpose of this report is to seek further instructions related to a development application for a site that contains several heritage resources, and a related ongoing appeal at the Local Planning Appeal Tribunal

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to the report (June 1, 2021) from the City Solicitor;
2. City Council authorize the public release of the recommendations in Confidential Attachment 1 and Confidential Appendices "A", "B", and "C" if adopted by City Council, with the remainder of the Confidential Attachment 1 to 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 June 18 and 19, 2019, City Council approved a settlement offer and authorized the City Solicitor, together with City Planning staff and any other appropriate staff, to attend before the Local Planning Appeal Tribunal ("LPAT") in support of the settlement of the 8 Elm Street appeals, and the approval of a Zoning By-law Amendment application, subject to conditions. City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE6.5>

On June 18 and 19, 2019, City Council also approved alterations to the designated heritage properties at 8 Elm Street and 348-350 Yonge Street, in accordance with Section 33 of the Ontario Heritage Act, for the construction of a new 67-storey mixed-use office residential development with at-grade retail uses at 8 Elm Street and 348-350 Yonge Street in conjunction with an appeal to the LPAT. In conjunction with the Settlement Offer from the Applicant, plans and drawings were prepared by IBI Group Architects, and submitted with the Heritage Impact Assessment, prepared by GBCA Architects, dated April 23, 2019. For complete background on the project, see the attached report approved by Council on June 18, 2019:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrrd/backgroundfile-132699.pdf>

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 it should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information

Confidential Appendix A - Confidential Information

Confidential Appendix B - Confidential Information

Confidential Appendix C - Confidential Information