

## **83-97 River Street and 2-4 Labatt Avenue - Official Plan and Zoning By-law Amendment Application – Request for Direction**

**Date:** September 22, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** 13 -Toronto Centre

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

### **SUMMARY**

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The owner of the property municipally known as 83-97 River Street and 2-4 Labatt Avenue (the "Subject Site") submitted an application to amend the Official Plan and Zoning By-law to permit a 38-storey residential building (the "Applications"). A Rental Housing Demolition Application was also submitted.

On October 2, 3 and 4, 2017, City Council adopted staff recommendations to refuse the Applications. The Applications were appealed to the OLT and a prehearing conference was held on September 5, 2018. A hearing date has not yet been scheduled.

City Planning staff have been involved in the preparation of this report.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.

Report with Confidential Attachments – 83-97 River Street and 2-4 Labatt Avenue – Official Plan and Zoning By-law Amendment Application – Request for Direction

2. If the confidential recommendations in Confidential Attachment 1 are adopted by City Council, City Council authorize the public release of:
  - a. the confidential recommendations in Confidential Attachment 1, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client privilege; and
  - b. Confidential Attachments 2 and 3.

## **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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On February 10 and 11, 2015 City Council adopted the Queen-River Secondary Plan (OPA 287). The Queen-River Secondary Plan (QRSP) area includes the Subject Site and is generally bounded by Dundas Street East to the north, Bayview Avenue to the east, Queen Street East to the south, and River Street to the west. The QRSP was appealed to the Ontario Land Tribunal (OLT) by the applicant and other local property owners in May 2015, case number PL150375.

On May 18, 2017 the applicant submitted an application to amend the Official Plan and Zoning By-law to permit a 38-storey residential building. A Rental Housing Demolition Application was also submitted. The Official Plan Amendment was to redesignate the subject site from Regeneration Areas to Mixed Use Areas with a site-specific provision to permit a residential building up to 38 storeys in height. The Zoning Amendment was to create a site-specific exception within the Commercial-Residential (CR) zone that would have allowed for the proposed development.

On October 2, 3 and 4, 2017, City Council adopted staff recommendations to refuse the application to amend the Official Plan and Zoning By-law as submitted on May 18, 2017. City Planning Staff were concerned that the proposal should not have proceeded ahead of the approval of the Queen-River Secondary Plan (QRSP), was inconsistent with the Neighbourhoods designation of the site in the proposed QRSP, and provided an inappropriate massing and transition in scale to the existing and planned contexts. The full council decision and staff report may be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.31>.

The application was appealed to the OLT, case number PL171162, and a prehearing conference was held on September 5, 2018. A hearing date has not yet been scheduled.

On July 16, 17 and 18, 2019, City Council supported changes to the Queen-River Secondary Plan, including the designation Mixed Use Areas "E", which applies to 83-125 River Street, 1-11 Mark Street, 16-18 Defries Street and 2-10 Labatt Avenue, and includes the subject site. The Council decision and staff report may be viewed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE7.19>.

These amendments to the Queen-River Secondary Plan were subsequently approved by the OLT on February 10, 2020, case number PL150375.

## **COMMENTS**

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This report is about litigation before the Ontario Land Tribunal and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1, Confidential Attachment 2, and Confidential Attachment 3 to this report contain confidential information.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information