

## **540-544 King Street West & 1-7 Morrison Street - Zoning By-law Amendment Application - Request for Directions Report**

Date: October 28, 2021

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina - Fort York

### **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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On February 26, 2020, City Council passed City of Toronto By-laws 243-2020 and 244-2020 (the "By-laws") permitting the rezoning of the lands municipally known as 540-544 King Street West & 1-7 Morrison Street.

City Council's decision to pass the By-laws was appealed by a third party to the Ontario Land Tribunal on July 23, 2020.

The purpose of this report is to request instructions in respect of this matter prior to the commencement of a hearing of the appeal before the Ontario Land Tribunal on November 22, 2021.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (October 28, 2021) from the City Solicitor.

2. City Council direct that the recommendations contained in the Confidential Attachment 1 to the report (October 28, 2021) from the City Solicitor remain confidential, at the discretion of the City Solicitor, up to the date of the hearing of the Ontario Land Tribunal on November 22, 2021 at which time the City Solicitor is directed to disclose the recommendations in the Confidential Attachment 1.

3. City Council direct that all other information contained in Confidential Attachments 1 through 6 to the report (October 28, 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**

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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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During its meeting of December 17 & 18, 2019, City Council adopted, without amendment, the recommendations of the Final Report (October 18, 2019) and the Supplementary Report (December 17, 2019) from the Director, Community Planning, Toronto & East York District approving the proposed development of the lands known as 540-544 King Street West & 1-7 Morrison Street. A copy of City Council's decision can be found here:

[app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.2](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.2)

City Council later passed City of Toronto By-laws 243-2020 and 244-2020 (the "By-laws") permitting the rezoning of the lands municipally known as 540-544 King Street West & 1-7 Morrison Street on February 26, 2020.

## **COMMENTS**

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The City Solicitor requires further instructions. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential advice and it, along with Confidential Attachments 2 through 6, inclusive, 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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1. Confidential Attachment 1 - Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information
4. Confidential Attachment 4 - Confidential Information
5. Confidential Attachment 5 - Confidential Information
6. Confidential Attachment 6 - Confidential Information