

**335 Yonge Street – Official Plan and Zoning By-law
Amendment Application - Request for Direction
Report**

Date: March 1, 2022

To: City Council

From: City Solicitor

Wards: Ward 13 – Toronto-Centre

REASON FOR CONFIDENTIAL INFORMATION

This report concerns litigation or potential litigation that affects the City of Toronto.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to seek further instruction in relation to a development application that has been appealed to the Ontario Land Tribunal (the "OLT") as Tribunal case number PL200329.

A 10-day hearing relating to the development proposal is scheduled to commence on March 21, 2022.

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 Confidential Appendix A, Confidential Appendix B, and the Confidential Recommendations in Confidential Attachment 1 if adopted by City Council, with the balance of the Confidential Attachment 1 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 July 28, 2020 City Council considered a Refusal Report prepared by City Planning that set out a number of issues with the application as received. City Council adopted the staff recommendations, and the decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE16.7>

Two days of OLT led mediation with the Applicant were held on May 14 and 31, 2021.

A 10-day OLT hearing is scheduled to commence on March 21, 2022.

COMMENTS

An Official Plan amendment and Zoning By-law amendment application to permit a 30-storey mixed-use tall building with 165 dwelling units was submitted and deemed complete as of March 5, 2020. A Refusal Report was forwarded to Toronto and East York Community Council on July 16, 2020 and adopted by City Council on July 28, 2020. The Refusal of the Official Plan amendment and Zoning By-law amendment applications was appealed to the Ontario Land Tribunal on August 7, 2020.

Subsequent to the Refusal Report and appeal a community consultation meeting was held on December 1, 2020 as a WebEx meeting. A Tribunal led mediation was held on May 14 and May 31, 2021. A full OLT hearing has been scheduled from March 21 to March 30, 2022.

This report is about ongoing litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by City Council *in camera*. This report has been prepared in consultation with staff from City Planning.

CONTACT

Joanna Wice, Solicitor, Planning & Administrative Law; Tel: (416) 397-5737; Fax: (416) 397-5624; Email: joanna.wice@toronto.ca

Matthew Longo, Solicitor, Planning & Administrative Law; Tel: (416) 392-8109; Fax: (416) 397-5624; Email: matthew.longo@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 – Confidential Report from City Solicitor
Confidential Appendix A – Confidential Information
Confidential Appendix B – Confidential Information