



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 1521 Queen Street West - Zoning Amendment - Request for Directions Report

**Date:** March 2, 2022

**To:** City Council

**From:** City Solicitor

**Ward:** 4 - Parkdale-High Park

#### **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 November 8, 2019, a Zoning By-law Amendment application was submitted for the property at 1521 Queen Street West (the "**Site**"), proposing to amend Zoning By-laws 569-2013 and 438-86 to permit the construction of a new eight-storey mixed-use building with an overall height of 30.9 metres (the "**Original Proposal**"). The Original Proposal proposed 78 residential units and approximately 300 square metres of retail space on the ground floor, with a total gross floor area of approximately 5,923 square metres.

The Original Proposal was deemed complete on December 6, 2019. The application was appealed to the Ontario Land Tribunal (the "**OLT**") on November 2, 2020 due to the City's failure to make a decision within the prescribed time period set out in the Planning Act. The OLT conducted one Case Management Conference on June 8, 2021 and scheduled a 13-day hearing commencing on May 17, 2022. The applicant provided revised plans to the OLT on January 21, 2022, which addressed some of the City's issues with the Original Proposal.

The purpose of this report is to request further instructions for the OLT hearing that is scheduled to commence on May 17, 2022.

City Planning has 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 Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and Confidential Appendices A and B, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential, as it contains advice which is subject to solicitor-client privilege and litigation privilege.

## **FINANCIAL IMPACT**

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The City Solicitor confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year, or in future years.

## **DECISION HISTORY**

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At its meeting of March 12, 2020, Toronto and East York Community Council considered a Preliminary Report on the Zoning By-law Amendment application for 1521 Queen Street West for an eight-storey mixed use building (File 19 247355 STE 04 OZ). Toronto and East York Community Council directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site. The link to the preliminary report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE14.27>

At its meeting on March 10, 2021, City Council adopted "1521 Queen Street West - Zoning By-law Amendment Application - Request for Direction Report" recommending that staff oppose the application at the OLT, and that City Council defer a decision on any Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006. The link to the request for directions report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE23.26>

At its meeting on September 30, 2020, City Council adopted Official Plan Amendment 445, which had the effect of amending Chapter 7, Site and Area Specific Policies, by adding Site and Area Specific Policy 566 for lands generally

fronting Queen Street West between Roncesvalles Avenue and Bathurst Street. The policies of OPA 445 (SASP 566) support opportunities for contextually appropriate growth and change while conserving and enhancing the cultural heritage value of Queen Street West. The link to the request for directions report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE14.5>

These policies have been appealed to the Ontario Land Tribunal and are not in full force and effect.

## **COMMENTS**

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This report has been prepared in consultation with staff from City Planning including Community Planning and Urban Design Staff, and other Divisional Staff.

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 and litigation privilege. Confidential Attachment 1 to this report contains confidential advice and 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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Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" to Confidential Attachment 1 - Confidential Information

Confidential Appendix "B" to Confidential Attachment 1 - Confidential information

Report for Action with Confidential Attachment - 1521 Queen Street West - Request for Direction for OLT Hearing