

**234- 250 King Street East and 162 Princess Street –
Zoning By-law Amendment Application - Request for
Direction Report**

Date: March 29, 2022

To: City Council

From: City Solicitor

Wards: 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 OLT-21-001198.

A 9-day hearing relating to the development proposal is scheduled to commence on December 5, 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 December 15, 2021 City Council considered a Request for Direction 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=2021.TE29.7>

Subsequent to the Request for Directions Report, Case Management Conferences ("CMC") at the OLT were held on November 17, 2021 and February 4, 2022. A 9-day OLT hearing is scheduled to commence on December 5, 2022.

COMMENTS

A zoning by-law amendment application to permit a 40-storey (132.9 metres tall, including mechanical penthouse) mixed-use building with ground floor retail uses and 488 residential dwelling units was submitted and deemed complete as of January 21, 2021. A Request for Further Direction report from the Director, Community Planning, Toronto and East York, dated November 3, 2021, was considered at Toronto East and York Community Council on November 24, 2021 and adopted by City Council on December 15, 2021. The zoning by-law amendment application was appealed to the Ontario Land Tribunal (the "OLT") on July 14, 2021.

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 (416) 397-5737 or joanna.wice@toronto.ca

Jessica Jakubowski, Solicitor, Planning & Administrative Law (416) 392-3331 or jessica.jakubowski@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