



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street - Request for directions regarding OLT Matter

Date: June 6, 2022

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

SUMMARY

The purpose of this report is to seek instruction for a matter before the Ontario Land Tribunal (OLT).

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report and Appendix A be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

In October 2016, the applicant submitted a Zoning By-law amendment application proposing a mixed-use development at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street, comprising two 32-storey residential towers connected by two multi-storey bridges, a base building with retail space on the ground floor and second floor and a new public parkette. The applicant submitted a revised proposal on January 17, 2017, which made minor revisions to the proposal, increasing the proposed GFA marginally.

At its meeting on January 31, 2017, City Council refused the application to amend the Zoning By-law because the proposal did not satisfy urban design and heritage preservation objectives, nor did it provide sufficient replacement of office space, contrary to policies in the Official Plan and Provincial Policy Statement. City Council authorized the City Solicitor and appropriate City staff to appear before the OLT (then OMB) in support of City Council's decision:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-99364.pdf>

At its meeting on April 26, 27 and 28, 2017, City Council stated its intention to amend City of Toronto By-law 855-88 to update and revise the reasons for designation under Part IV of the *Ontario Heritage Act* for 260 King Street East to include 254, 256, and 266 King Street East, 427 and 435 Adelaide Street East, and 157 Princess Street in accordance with the Statement of Significance in Attachment 4 to the staff report dated March 9, 2017:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-101805.pdf>

On February 27, 2017, the applicant appealed City Council's decision to refuse the proposed Zoning By-Law amendment to the OLT (then OMB).

At its meeting of March 26, 2018, City Council adopted Item CC38.8, accepting a settlement offer from counsel for the proponent and instructing the City Solicitor and appropriate City Staff to attend at the OLT in support of the settlement:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC38.8>

At its meeting of May 5 & 6, 2021, City Council adopted Item CC32.8, accepting a further settlement offer from counsel for the proponent and instructing the City Solicitor and appropriate City Staff to attend at the OLT in support of the settlement. The revised proposal allowed for several small changes to the original settlement, including a small increase in height and GFA and an increase to the Section 37 quantum. A Section 37 Report for Action with Confidential Attachment on 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street. OLT matter.

agreement was entered into by the parties in June 2021, following which a final order was issued by the tribunal. The recommendations as adopted are at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC32.8>

ISSUE BACKGROUND

Further information has been received which has resulted in the need for direction from City Council.

COMMENTS

This report is about litigation before the OLT 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 Council in camera.

CONTACT

Jessica Braun, Solicitor, Planning & Administrative Law, Tel: (416) 392-7237, Fax: (416) 397-5624, Email: Jessica.Braun@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" - Confidential Information