

28 River Street & 550 Queen Street East – Zoning By-law Amendment Application – Request for Direction

Date: June 8, 2022

To: City Council

From: City Solicitor

Wards: 13 - Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

The owner of the property municipally known as 28 River Street & 550 Queen Street East (the "**Site**") applied for amendments to former City of Toronto Zoning By-law 438-86 (the "**Application**") solely in respect of the property at 28 River Street in order to facilitate a 15-storey mixed-use building containing 162 dwelling units and 458 square metres of ground floor commercial space with a total gross floor area of 11,752 square metres (the "**Original Application**").

On April 26, 27 and 28, 2017, City Council adopted the recommendations of Community Planning staff to refuse the Original Application. The Applicant appealed City Council's decision to the Ontario Land Tribunal (the "**OLT**"). The appeal was assigned Case No. PL170622 and is now filed as OLT-22-03289. A full hearing on the merits of the appeal of the Original Application at the OLT was not scheduled.

On June 8, 2022, the Applicant submitted a *with prejudice* settlement offer to the City, set out in Appendix "A" to this Report (the "**Revised Proposal**"). The Revised Proposal expands the proposed development site to include the property at 550 Queen Street East.

The purpose of this report is to request further instructions for the scheduled OLT hearing scheduled for July 13, 2022.

Report with Confidential Attachments – 28 River Street & 550 Queen Street East – Zoning By-law Amendment Application – Request for Direction

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, if adopted by City Council, at the discretion of the City Solicitor.
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.

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 April 4, 2017, Toronto and East York Community Council considered a refusal report on the Original Application for 28 River Street. Community Council's decision and the Preliminary Report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE23.15>

On April 26, 27 and 28, 2017, City Council adopted the recommendations of Community Planning staff to refuse the Original Application. City Council's decision and the refusal report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE23.15>

The Applicant appealed the Original Application to the OLT. A full hearing on the merits of the appeal of the Original Application at the OLT was not scheduled.

COMMENTS

Analysis of the Revised Proposal by Planning Staff and Heritage Planning Staff is contained in Confidential Attachment 1.

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. Confidential Attachment 1 to this report contains confidential information and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Appendix "A" - Letter from Stikeman Elliot LLP, dated June 8, 2022, regarding 28 River Street & 550 Queen Street East

Appendix "B" - Revised Architectural Plans, dated May 6, 2022, prepared by BDP Quadrangle