



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

510-528 Yonge Street & 7 Breadalbane Street - Official Plan Amendment and Zoning By-law Amendment Applications - Request for Directions Report

Date: July 8, 2022

To: City Council

From: City Solicitor

Wards: Ward 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 applicant (Aird & Berlis LLP) on behalf of the owner (KS 522 and 526 Yonge Street Inc.) filed a valid notice of appeal in respect of its request to amend the City's Official Plan and its Zoning By-law Amendment application to the Ontario Land Tribunal (the "Tribunal") on May 10, 2021 citing City Council's failure to make a decision on the application within the statutory timeline.

A hearing of this matter before the Tribunal is scheduled to begin on November 1, 2022 for a duration of 12 days.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (July 8, 2022) from the City Solicitor.
2. City Council authorize the public release of the recommendations in Confidential Attachment 1 and the information in Confidential Appendices A and B in the event City Council adopts the recommendations in Confidential Attachment 1.
3. City Council direct the balance of Confidential Attachment 1 remain confidential as these documents contain 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

At its meeting of October 1 and 4, 2021, City Council adopted the recommendations of the report (August 20, 2021) prepared by the Director, Community Planning, Toronto and East York District to oppose the proposed development application before the Tribunal. City Council's decision in that respect can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE27.8>

At its meeting of December 15, 2021, City Council also adopted the recommendations the Toronto Preservation Board (November 17, 2021) to state its intention to designate the property municipally known as 516 Yonge Street (including the entrances at 514 Yonge Street) and the property municipally known as 526 Yonge Street (including the entrance addresses at 528 Yonge Street and 7 Breadalbane Street) under Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Significance: 516 Yonge Street (Reasons for Designation) attached as Attachment 3 to the report (October 27, 2021) and in accordance with the Statement of Significance: 526 Yonge Street (Reasons for Designation) attached as Attachment 4 to the report (October 27, 2021), respectively, from the Senior Manager, Heritage Planning. City Council's decision in that respect can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH29.18>

City Council subsequently passed City of Toronto By-laws 84-2022 and 85-2022 designating the properties municipally known as 516 Yonge Street and 526 Yonge Street - along with the above-referenced entrance addresses - under Part IV, Section 29 of the *Ontario Heritage Act*, on February 3, 2022. No objections to the designation by-laws were filed with the Tribunal.

COMMENTS

The City Solicitor requires instructions prior to the Tribunal hearing scheduled for November 1, 2022. This report is about litigation before the Tribunal and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 and the appendices to this report contain confidential advice and they should be considered by Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix A - Confidential Information
3. Confidential Appendix B - Confidential Information