

544 and 550 Queen Street East - Request for Directions Report

Date: September 7, 2022
To: Toronto Preservation Board
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.

SUMMARY

The owner of the property municipally known as 28 River Street and 544 and 550 Queen Street East applied for amendments to former City of Toronto Zoning By-law 438-86 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.

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 544 and 550 Queen Street East (the "Site"). It also requests placing a holding provision in the zoning by-law that requires the Site to have been designated pursuant to Section 33 of the *Ontario Heritage Act* ("OHA"). The owner must also apply for alterations to the heritage property and to enter into a Heritage Easement Agreement as a condition for lifting the holding provision on the zoning for the lands. Council accepted the offer at its meeting dated June 15 and 16, 2022.

On August 9, 2022, the OLT issued a decision and order approving the Revised Proposal's zoning by-law amendment portions subject to issuance of a final order. The Tribunal issued an order effective August 11, 2022 amending the zoning by-law in accordance with the Revised Proposal.

The purpose of this report is to request further instructions regarding related to the heritage aspects of the development.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (September 7, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 and Confidential Appendix "A" to the report (September 7, 2022) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (September 7, 2022) from the City Solicitor is 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 16, 2020, City Council adopted a report recommending inclusion of 257 properties with cultural heritage value, including 544 and 550 Queen Street East, on the City of Toronto's Heritage Register.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE21.21>

At its October 29, 2019 meeting, City Council endorsed the draft King-Parliament Secondary Plan for consultation. The property at 544 and 550 Queen Street East was identified as having cultural heritage value through the Cultural Heritage Resource Assessment conducted as part of the King-Parliament Secondary Plan Review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE9.32>

On June 15 and 16, 2022, City Council accepted a with prejudice settlement offer in respect of a zoning by-law amendment application under appeal for 544 and 550 Queen Street East and 28 River Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC45.23>

On July 26, 2022, City Council stated its Intention to Designate the property at 544 and 550 Queen Street East.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PB36.11>

COMMENTS

The City Solicitor requires further instructions. This report concerns confidential aspects of litigation that took place before the Ontario Land Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix "A" - Confidential Information