

**277 Wellington Street West - Zoning By-law
Amendment - OLT Appeal - Request for Direction**

Date: December 1, 2022

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina-Fort York

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On December 23, 2020, a Zoning By-law Amendment application was submitted to the City for the lands at 277 Wellington Street West. The application was to permit a 66-storey (232.3 metres, including mechanical penthouse) mixed-use building containing 116 square metres of retail space, 9,169 square metres of office uses, and 645 residential units. The proposed 9-storey (42.90 metres) base building would contain retail and office uses.

The application was appealed to the Ontario Land Tribunal (OLT) on May 25, 2022 for Council's failure to make a decision on the application within the prescribed timelines in the *Planning Act*. A Case Management Conference was held at the OLT on August 31, 2022. A second Case Management Conference has been scheduled for February 14, 2023, and a 5-day hearing has been scheduled commencing on June 5, 2023.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting which starts on December 14, 2022.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.

2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of:

a. the recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege), and

b. Confidential Attachment 2 and Confidential Attachment 3.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

Toronto and East York Community Council on February 24, 2021, considered a Preliminary Report (January 26, 2021) from the Director, Community Planning, Toronto and East York District. The recommendations were adopted by the Toronto and East York Community Council, directing staff to schedule a community consultation meeting for the application, with the notice for the meeting to be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor. The Toronto and East York Community Council Decision and Staff Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE23.44>

COMMENTS

The City Solicitor requires direction on this matter prior to the conclusion of the December 14, 2022 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor

Confidential Attachments 2 and 3- Additional Confidential Material