

**429 to 455 Richmond Street East, 69 to 75 Ontario Street–
Zoning Amendment Application – Request for Direction**

Date: December 5, 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 applicant appealed the proposed Zoning By-law Amendment Application for 429-455 Richmond Street East and 69-75 Ontario Street to the Ontario Land Tribunal ("OLT") pursuant to Section 34(11) of the *Planning Act* due to Council's failure to make a decision on the application within the prescribed timeframe. The purpose of this report is to seek instructions for the OLT hearing of this matter which is scheduled to commence on January 16, 2023. Further direction from City Council is required on this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to the report (December 5, 2022) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 and Appendix A, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential, at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations.

DECISION HISTORY

On March 12, 2020, Toronto and East York Community Council considered a Preliminary Report by City Planning and directed staff to schedule a community consultation meeting. A copy of Toronto and East York Community Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE14.32>

At its meeting on December 15, 16 and 17, 2021, City Council directed the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the Zoning By-law Amendment appeal for the lands at 429-455 Richmond Street East and 69-75 Ontario Street and to continue discussions with the owner in an attempt to resolve outstanding issues. A copy of City Council's decision and the Request for Direction Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE29.8>

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*. This report has been prepared in consultation with staff from City Planning, including Community Planning and Urban Design Staff. It is urgent that Council consider this matter at this time. The City Solicitor requires direction on this matter.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 – Confidential Information
2. Confidential Appendix "A" – Confidential Information