



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

53-55 Yonge Street - Zoning By-law Amendment Application - Request for Direction Report

Date: December 1, 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 litigation.

SUMMARY

The applicant appealed the proposed Zoning By-law Amendment Application for 53-55 Yonge 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 Monday, February 27, 2023.

RECOMMENDATIONS

The City Solicitor recommends that:

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

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

A Zoning By-law Amendment Application for a 66 storey proposal (File 21 129226 STE 13 OZ) was submitted to City Planning on March 19, 2021, and was deemed complete on April 22, 2021. On June 24, 2021, Toronto and East York Community Council considered a preliminary report on the application and directed staff to schedule a community consultation meeting. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE26.37>

A community consultation meeting took place on June 28, 2021, and the application was reviewed by the City's Design Review Panel on November 4, 2021. On January 11, 2022 the applicant appealed the application to the OLT.

A Request for Direction Report dated May 9, 2022 was adopted by City Council at its meeting of June 15, 2022. City Council directed the City Solicitor and appropriate staff to attend the OLT in opposition to the Zoning By-law Amendment appeal and to continue discussions with the Applicant in an attempt to resolve the outstanding issues. The decision of City Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE33.11>

The OLT held one case management conference on May 27, 2022, during which it scheduled a 5-day hearing, set to commence on February 27, 2023.

COMMENTS

A description of the site and surrounding area, application and planning framework can be found in the [May 9, 2022 Request for Direction Report](#).

Outstanding issues identified by City staff for resolution in advance of the scheduled hearing included shadow impacts on St. James Cathedral, ground floor setbacks, parking, setbacks to TTC infrastructure and potential for a direct connection to the underground PATH pedestrian network and King TTC subway station.

The City Solicitor requires instructions on this matter. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential advice and should be considered by City Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Report from City Solicitor
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information