

**212 - 220 King Street West - Official Plan and Zoning
By-law Amendments - OLT Appeal - Request for
Directions**

Date: March 16, 2023

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. This report contains information regarding litigation.

SUMMARY

On December 10, 2020, Official Plan and Zoning By-law Amendment applications were submitted to the City to permit an 80-storey mixed-use development that would partially conserve three heritage buildings located on the site, and proposed 588 purpose built rental units, 74,130 square metres of office space and 872 square metres of retail space.

On January 24, 2022, the applicant appealed the Official Plan and Zoning By-Law Amendment applications to the Ontario Land Tribunal (OLT) citing City Council's failure to make a decision within the time period prescribed under the *Planning Act*. A Case Management Conference was held on May 20, 2022, and the OLT has scheduled a 10-day hearing commencing on April 24, 2023. On November 22 and 23, 2022 the parties to the appeal participated in private mediation.

The City Solicitor requires further directions on this matter no later than the completion of the City Council meeting which starts on March 29, 2023.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.

2. If the City Solicitor's confidential recommendations are adopted by City Council, then City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 and Confidential Appendix 1.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is 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

On November 20, 2007 City Council enacted By-law 1230-2007 which designated the property at 214 King Street West under Part IV, Section 29 of the *Ontario Heritage Act*. By-law 1230-2007 can be found at:

<https://www.toronto.ca/legdocs/bylaws/2007/law1230.pdf>

On September 22, 2011 City Council enacted By-law 1146-2011 which designated the property at 212 King Street West under Part IV, Section 29 of the *Ontario Heritage Act*. By-law 1146-2011 can be found at:

<https://www.toronto.ca/legdocs/bylaws/2011/law1146.pdf>

On September 22, 2011 City Council enacted By-law 1147-2011 which designated the property at 220 King Street West under Part IV, Section 29 of the *Ontario Heritage Act*. By-law 1147-2011 can be found at:

<https://www.toronto.ca/legdocs/bylaws/2011/law1147.pdf>

A Preliminary Report on the applications (June 22, 2020) from the Director, Community Planning, Toronto and East York District was considered by Toronto and East York Community Council on April 21, 2021. The Community Council decision and Preliminary Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE24.27>

A Request for Direction Report on the application was adopted by City Council on July 19, 2022 directing the City Solicitor and appropriate City staff to attend at the OLT hearing to oppose the Official Plan and Zoning By-law Amendment applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC47.23>

A report from the City Solicitor (March 9, 2023) has been submitted to the Toronto Preservation Board with respect to the alterations proposed by the development application. That report will be considered by the Preservation Board at its meeting of March 23, 2022 and should be considered alongside this report at City Council's meeting of March 29, 2023.

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

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ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix 1 - Confidential Information