



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1-11 Bloor Street West and 768-784 Yonge Street - Zoning By-law Amendment Application – Ontario Land Tribunal Hearing – Request for Directions

Date: May 31, 2023

To: City Council

From: City Solicitor

Wards: Ward 11 - University - Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On December 18, 2020, the City received a Zoning By-law Amendment application for 1-11 Bloor Street West and 768-784 Yonge Street (the "Site") to permit an increase in the maximum permitted building height by 9 storeys, totalling 94-storeys (338.3 metres).

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on September 22, 2022.

A Zoning By-law Amendment Application (Application 15 128261 STE 27 OZ) had been approved by the Ontario Municipal Board (now continued as the OLT) on April 18, 2017 permitting an 85-storey (306.9 metres, including mechanical penthouse) mixed use building on the Site. The approved application included approximately 59,911 square metres of residential gross floor area and a total of 416 dwelling units, and 17,662 non-residential gross floor area.

The Appeal is in relation to the applicant's desire for additional height and density above the previous approval.

The City Solicitor requires further directions for an upcoming OLT Case Management Conference scheduled for July 17, 2023 as such this item is urgent and cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor, if adopted by City Council.
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 which is subject to solicitor-client privilege.
4. City Council authorize the public release of Confidential Appendices "A", "B", "C" and "D", if adopted by City Council.

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 April 18, 2017, the OLT approved an application (Application 15 128261 STE 27 OZ) for an 85-storey (306.9 metres, including mechanical penthouse) mixed use building.

On December 18, 2020, the City received a Zoning By-law Amendment application to permit an increase in height, with an additional 9 storeys proposed (338.3, including mechanical penthouse).

On September 22, 2022, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT.

An Appeal Report on the application was adopted by City Council on February 7, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Appeal Report can be found at:

[1-11 Bloor Street West and 768-784 Yonge Street – Zoning By-Law Amendment Application – Appeal Report \(toronto.ca\)](#)

The OLT held the first Case Management Conference on May 12, 2023. A second Case Management Conference is scheduled for July 17, 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

Amanda S. Hill, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-5790; Fax: (416) 397-5624; Email: amanda.hill@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information
5. Confidential Appendix "D" - Confidential Information