

**83-95A Bloor Street West – 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**

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

**SUMMARY**

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On December 17, 2021, the City received Zoning By-law Amendment and Site Plan Control applications to permit a 79-storey mixed use building with 1,153 square metres of commercial uses and 1,118 residential units.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Zoning By-law Amendment and Site Plan Approval (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on July 5, 2022.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for September 18, 2023. As witness statements are due to be exchanged in July, and for other reasons set out in Confidential Attachment 1, this matter is urgent and cannot be deferred.

**RECOMMENDATIONS**

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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 and Confidential Appendix "A" 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.

## **FINANCIAL IMPACT**

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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**

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On December 17, 2021, the City received Zoning By-law Amendment and Site Plan Control applications to permit a 79-storey mixed use building with 1,153 square metres of commercial uses and 1,118 residential units. The Preliminary Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE32.31>

On July 5, 2022, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment and Site Plan Approval to the OLT. The OLT held the first Case Management Conference on October 5, 2022. A second CMC took place on January 16, 2023. A 10-day hearing is scheduled for September 18, 2023.

A Request for Direction Report on the application was adopted by City Council on December 14 and 15, 2022, directing the City Solicitor and appropriate City staff to attend the OLT hearing oppose the Zoning By-law Amendment and Site Plan Control applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

[Agenda Item History - 2023.TE1.3 \(toronto.ca\)](#)

## **COMMENTS**

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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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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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