

**15 Charles Street East and 16 Isabella Street - Zoning  
Amendment Application – Ontario Land Tribunal  
Hearing – Request for Directions**

**Date:** May 31, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 13 - Toronto Centre

**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 31, 2021, the City received a Zoning By-law Amendment application for 15 Charles Street East and 16 Isabella Street (the "Site") to permit the construction of a 54 storey mixed use building, including a 6 storey base building.

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 May 12, 2022.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for October 17, 2023. For reasons set out in Confidential Attachment 1, this item 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 to this report from the City Solicitor as well as the contents of Confidential Attachment 2 including Appendix "A" and Appendix "B" to Confidential Attachment 2 , 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 31, 2021, the City received a Zoning By-law Amendment application to permit the construction of a 54 storey mixed use building. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE32.32>

On May 12, 2022 the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on August 25, 2022. A hearing is scheduled for October 17, 2023.

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 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 Request for Direction Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.57>

## **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 Attachment 2 - Confidential Information
3. Confidential Appendix "A" - Confidential Information
4. Confidential Appendix "B" - Confidential Information