

**83-95A Bloor Street West – Ontario Land Tribunal
Hearing – Request for Further Directions**

Date: June 30, 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 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.

At its meeting on June 14, 2023, City Council accepted a without prejudice offer to settle dated May 30, 2023 and directed the City Solicitor to attend at the OLT in support of the settlement and revised plans.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for September 18, 2023.

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 and Confidential Appendix "A" to this report from the City Solicitor, if adopted by City Council and if the City Solicitor confirms that the pre-conditions of such release are met, otherwise the confidential recommendations and Confidential Appendix "A" are to remain confidential as they contain information which is pertaining to litigation and privileged.

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

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 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:

[Agenda Item History - 2022.TE32.31 \(toronto.ca\)](#)

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. Case Management Conferences took place on October 5, 2022 and 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 \(toronto.ca\)](#)

A further Request for Direction Report with Confidential Attachment was adopted by City Council on June 14, 2023, directing the City Solicitor to attend at the OLT in support of a proposed settlement offer and revised plans. The Council Direction can be found at:

[Agenda Item History - 2023.CC7.13 \(toronto.ca\)](#)

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

Wendy Walberg
City Solicitor

ATTACHMENTS

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