



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

383 and 387 Sherbourne Street - Zoning By-law Amendment Application - Request for Direction Report

Date: July 5, 2023

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto Centre

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

The purpose of this report is to request further instructions for the Ontario Land Tribunal ("OLT") appeal respecting the development application at 383 and 387 Sherbourne Street. The applicant appealed the proposed Zoning By-law Amendment Application for 383 and 387 Sherbourne Street to the OLT on January 26, 2022, due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

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 in Confidential Attachment 1, Confidential Appendix "A" and Confidential Appendix "B" 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 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 July 26, 2021, a Zoning By-law Amendment application was submitted for a new 49-storey apartment building with 483 units at 383 and 387 Sherbourne Street. A Rental Housing Demolition application has been submitted to permit the demolition of 32 existing residential rental units located at 383 Sherbourne Street. A Rental Housing Demolition application to demolish 44 units at 387 Sherbourne Street has not been submitted.

On January 26, 2022, the Applicant appealed the application to the OLT due to Council not making a decision within the 90-day time frame in the *Planning Act*.

On June 15 and 16, 2022, City Council directed the City Solicitor and appropriate City staff to attend the OLT in opposition to the Zoning By-law Amendment appeal for the lands at 383 and 387 Sherbourne Street. The Council item can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE33.10>

The OLT conducted a first case management conference on July 19, 2022, during which it granted party status to the Sherbourne Community Clinic Inc., and the Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada. This matter is urgent as the City Solicitor requires further directions for an upcoming OLT case management conference scheduled for August 9, 2023.

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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