

**906 Yonge Street and 25 McMurrich Street - Zoning  
By-law Amendment - Appeal Report**

**Date:** July 6, 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 November 8, 2021, Zoning By-law Amendment and Site Plan Control applications were submitted to permit a mixed-use complex with two tall buildings connected by a 2-storey base building. The tall building fronting Yonge Street was proposed to be 33 storeys, containing 213 dwelling units and 75 square metres of grade-related retail space. The tall building fronting McMurrich Street was proposed to be 19-storeys containing 188 dwelling units. The site includes the historic Ridpath building at 906 Yonge Street, which is designated under Part IV of the *Ontario Heritage Act* and included on the City's Heritage Register.

On July 18, 2022, the applicant appealed the Zoning By-law Amendment application and referred the Site Plan Control application to the Ontario Land Tribunal (the "OLT") due to Council not making a decision within the time frame in the *Planning Act*.

Following four days of mediation the applicant submitted a With Prejudice Settlement Offer on May 18, 2023. The details of this offer are set out in this report and in Public Attachment 1 and Public Attachment 2. The City Solicitor requires further directions for upcoming OLT proceedings relating to the zoning and site plan appeals.

This report should be considered along with a confidential report from the City Solicitor dated May 26, 2023 to the Toronto Preservation Board which discusses the heritage conservation strategy of the Settlement Offer (Item PB7.7), which has been forwarded to City Council for consideration at its meeting of July 19-21, 2023:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PB7.7>

## **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 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.

## **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 21, 2022, a Preliminary Report was adopted by Toronto and East York Community Council and the public was notified of the February 1, 2022, Community Consultation Meeting. The decision of the Toronto and East York Community Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE32.34>

On February 7, 2023 City Council considered an Appeal Report from Community Planning in which it was recommended that City Council authorize staff to attend the OLT in opposition to the applications as filed. Those recommendations also included direction that no heritage permits be issued until a satisfactory Conservation Plan had been provided and that the owner had entered into a Heritage Easement Agreement with the City. The recommendations were adopted by Council and the decision can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE2.8>

## COMMENTS

The following table summarizes the relevant development statics for the original proposal, which was appealed on July 18, 2022, and the Settlement Offer dated May 18, 2023:

<b>Category</b>	<b>Original Proposal November 8, 2021</b>	<b>Settlement Offer May 18, 2023</b>
Maximum Total GFA (square metres)	29,000	29,000
Maximum Non-Residential GFA (square metres)	29,000	17,500
Floor Space Index (Maximum GFA times the area of the lot)	12.7	12.7
Separation between Buildings on the Lot (metres)	25	20 to a height of 77 metres; 18.5 above a height of 77 metres
<b>Yonge Building</b>		
Building Height (metres) (excluding mechanical penthouse)	106 (33 storeys)	131.5 (40 storeys)
Eastern Tower Setback above the Heritage Building (metres)	3.9	7.5 to a height of 33.5 metres; 8.5 above a height of 33.5 metres
Northern Tower Setback (metres)	0	0 - 3.5
Southern Tower Setback (metres)	0	0 – 1.5
<b>McMurrich Building</b>		
Building Height (metres) (excluding mechanical penthouse)	63 (19 storeys)	77 (23 storeys)
Open Space at Grade (square metres)	None	93
Western Setback (metres)	0.4	3
Western Tower Setback (metres)	5.5	8.9 – 9.8
Northern Tall Building Setback (metres)	0 – 1.9	0 – 10
Southern Tall Building Setback	4.4	8
Eastern Tall Building Setback	6.1	2.8 – 3.7

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**

---

Matthew Longo, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8109;  
Fax: (416) 397-5624; Email: [matthew.longo@toronto.ca](mailto:matthew.longo@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

1. Public Attachment 1 - Covering letter from Aird & Berlis LLP dated May 18, 2023 which describes the revised proposal
2. Public Attachment 2 - Architectural plans prepared by IBI Group dated May 1, 2023
3. Confidential Attachment 1 - Confidential Information