

**289-299 and 305 Balliol Street – Ontario Land Tribunal  
Hearing – Request for Directions**

**Date:** September 26, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 12 – Toronto - St. Paul's

**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 November 5, 2021, Zoning By-law Amendment and Site Plan Control applications (the "Applications") were submitted to the City for the properties at 289-299 Balliol Street proposing a 28-storey residential building that contains 260 residential units.

On July 18, 2022, the applicant submitted revised Applications to the City to incorporate the adjacent 8-storey retirement residence at 305 Balliol Street into the proposal (the "Site").

On March 3, 2023, the applicant appealed the Applications to the Ontario Land Tribunal (the "OLT"), citing City Council's failure to make a decision on the Applications within the prescribed timelines of the *Planning Act*.

On September 25, 2023, the City Solicitor received a "with prejudice" settlement offer, consisting of the correspondence attached to this report as Public Appendix "A" and the architectural plans and drawings attached to this report as Public Appendix "B" (the "Settlement Offer"), which propose to modify the Applications.

The Settlement Offer is open until the end of the City Council meeting commencing on October 11, 2023, at which point it will be withdrawn. The City Solicitor requires further directions for the upcoming OLT Case Management Conference on November 21, 2023. Given the deadline for the Settlement Offer, 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 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 November 5, 2021, the City received the Applications to permit a 28-storey residential building at 289-299 Balliol Street that contains 260 residential units. On February 16, 2022, Toronto and East York Community Council received a Preliminary Report, and directed staff to hold a community consultation meeting. The Preliminary Report can be found at:

[Agenda Item History - 2022.TE31.37 \(toronto.ca\)](#)

On July 18, 2022, the applicant submitted revised Applications to the City to incorporate the adjacent 8-storey retirement residence at 305 Balliol Street into the proposal.

On March 3, 2023, the applicant appealed City Council's failure to make a decision on the Applications to the OLT. The OLT scheduled the first Case Management Conference to be held on November 21, 2023.

On September 25, 2023, the City received the Settlement Offer from the applicant's lawyers, Overland LLP, which is attached as Public Appendix "A" to this report (the letter), and Public Appendix "B" (the architectural drawings and plans). The Settlement Offer is open until the end of the City Council meeting commencing on October 11, 2023. Should City Council accept the Settlement Offer, the applicant intends to present the revised plans to the OLT for approval; otherwise, the offer will become null and void.

In response to the concerns raised by City staff with the applicant, the revised plans include a number of modifications. This table provides a comparison of the Applications, as originally submitted, and the Settlement Offer:

<b>Category</b>	<b>Original Application Submitted on November 5, 2021</b>	<b>Settlement Offer Submitted on September 25, 2023</b>
Gross Floor Area	22,578.8 square metres total floor area without exclusions (plans dated October 28, 2021)	30,244 square metres total floor area without exclusions
Building Height	100.6 metres including mechanical penthouse	107.4 metres including mechanical penthouse
Residential Units	260 saleable condominium units	71 retirement saleable units and 273 saleable condominium units
Vehicular Parking Supply	39 resident and 5 visitor	78 resident and 5 visitor
Bicycle Parking Supply	234 resident long term and 26 short term	246 resident long term and 27 short term
Loading	1 Type "G"	1 Type "G" and 1 Type "C"
Amenity Space	395.3 square metres indoor and 390.5 square metres outdoor	536.7 square metres indoor and 420.5 square metres outdoor

## **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. Public Appendix "A" - Letter from Overland LLP, dated September 25, 2023, containing the With Prejudice Settlement Offer
2. Public Appendix "B" - Architectural Plans prepared by Turner Fleischer Architects Inc., dated August 31, 2023
3. Confidential Attachment 1 - Confidential Recommendations and Confidential Information