



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **126-134 Parliament Street, 529 Richmond Street East and a Portion of Worts Lane – Ontario Land Tribunal Hearing – Request for Directions**

**Date:** April 4, 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 November 9, 2021, the City received a Zoning By-law Amendment application for 130-134 Parliament Street and 529 Richmond Street East (the "Original Site") to permit the construction of a 44-storey mixed-use building with ground floor retail uses and 327 residential dwelling units. The application was deemed complete on May 9, 2022.

The Owner appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment to the Ontario Land Tribunal (the "OLT") on September 27, 2022.

During its meeting of February 7, 2023, City Council directed the City Solicitor and appropriate City staff to attend the OLT in opposition to the application regarding the Zoning By-law Amendment and to continue discussions with the applicant to resolve outstanding issues.

On February 13, 2023, the OLT held the first Case Management Conference in this matter.

On March 29, 2023, the Owner indicated that they intended to expand the application area and on June 22, 2023 paid the necessary fees incorporating 126-128 Parliament Street and a portion of Worts Lane into the application (the "Expanded Site").

A series of further CMCs were adjourned on consent to permit continued discussion between the City and the Owner regarding the Expanded Site. A further CMC is expected to be set down shortly.

The City Solicitor requires further direction in the OLT proceeding.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in 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 Appendix "A" and "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 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 9, 2021, the City received a Zoning By-law Amendment application for the Original Site to permit the construction of a 44-storey mixed-use building with ground floor retail uses and 327 residential dwelling units. A Preliminary Report was considered by Toronto and East York Community Council on February 16, 2022 and can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.44>

On February 7, 2023, a Request for Direction Report on the application was adopted by City Council 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=2023.TE2.13>

## COMMENTS

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The November 9, 2021 application for the Original Site proposed a 44-storey mixed-use building with 188 square metres of ground floor retail uses and 327 residential dwelling units.

The March 29, 2023 application for the Expanded Site included the following changes from the original proposal:

- Overall height increased from 44 storeys to 46 storeys;
- Base building height decreased from 8 storeys to 7 storeys;
- Tower floor plate increased from 449 square metres to 541 square metres;
- Residential dwelling units increased from 327 to 422;
- Residential amenity space increased from 2.05 square metres per unit to 3.21 square metres per unit;
- Ground floor retail area increased from 188 square metres to 382 square metres;
- Ground floor setbacks from Parliament Street and Richmond Street East increased to provide additional space for pedestrians; and
- Reconfigured ground floor locating the vehicular access and loading area further away from the street and increasing the area of active ground floor retail frontages.

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. Confidential Attachment 1 to this report contains confidential advice and it should be considered by Council *in camera*.

## CONTACT

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Amanda Hill, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-5790;  
Fax: (416) 397-5624; Email: [amanda.hill@toronto.ca](mailto:amanda.hill@toronto.ca)

Jessica Amey, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-1890;  
Fax: (416) 397-5624; Email: [jessica.amey@toronto.ca](mailto:jessica.amey@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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